MIDVALE CITY COUNCIL MEETING
AGENDA
March 21, 2017

PUBLIC NOTICE IS HEREBY GIVEN that the Midvale City Council will hold a regular meeting on the 21st Day of March, 2017 at Midvale City Hall, 7505 South Holden Street, Midvale, Utah as follows:

6:30 PM
INFORMATIONAL ITEMS

I. DEPARTMENT REPORTS

II. CITY MANAGER BUSINESS

7:00 PM
REGULAR MEETING

III. GENERAL BUSINESS
A. WELCOME AND PLEDGE OF ALLEGIANCE
B. ROLL CALL
C. Proclamation Boys & Girls Club Week
D. UDOT Presentation on I-15 South Bound Lane Addition; 12300 South to SR201 and 7200 South Widening

IV. PUBLIC COMMENTS

Any person wishing to comment on any item not otherwise on the Agenda may address the City Council at this point by stepping to the microphone and giving his or her name for the record. Comments should be limited to not more than three (3) minutes, unless additional time is authorized by the Governing Body. Citizen groups will be asked to appoint a spokesperson. This is the time and place for any person who wishes to comment on non-hearing, non-Agenda items. Items brought forward to the attention of the City Council will be turned over to staff to provide a response outside of the City Council meeting.

V. COUNCIL REPORTS
A. Councilmember Stephen Brown
B. Councilmember Paul Glover
C. Councilmember Paul Hunt
D. Councilmember Quinn Sperry
E. Councilmember Wayne Sharp

VI. MAYOR REPORT
A. Mayor JoAnn B. Seghini
VII. **PUBLIC HEARING(S) - 7:00 PM**
A. Consider Ordinance No. 2017-O-04 regarding amendments to the Transient Oriented Development Zone, the creation of the TOD Overlay Zone and amendments to the Midvale City Zoning Map  
   [Phillip Hill, Asst. City Manager/Community Development Director]

   **ACTION:** Approve Ordinance No. 2017-O-04 amendments to the Transient Oriented Development Zone, the creation of the TOD Overlay Zone and amendments to the Midvale City Zoning Map

B. Consider Ordinance No. 2017-O-05 for a text amendment to amend the language for rear setbacks in the State Street Commercial (SSC) Zone  [Lesley Burns, City Planner]

   **ACTION:** Approve Ordinance No. 2017-O-05 a text amendment to amend the language for rear setbacks in the State Street Commercial (SSC) Zone

VIII. **CONSENT AGENDA**  
A. Approve Minutes of March 7 & 14, 2017  [Rori Andreason, H.R. Director/City Recorder]

IX. **ADJOURN**

In accordance with the Americans with Disabilities Act, Midvale City will make reasonable accommodations for participation in the meeting. Request assistance by contacting the City Recorder at 801-567-7207, providing at least three working days advance notice of the meeting. TTY 711

A copy of the foregoing agenda was provided to the news media by email and/or fax; the agenda was posted in the City Hall Lobby, the 2nd Floor City Hall Lobby, on the City’s website at www.midvalecity.org and the State Public Notice Website at http://pmn.utah.gov. Council Members may participate in the meeting via electronic communications. Council Members’ participation via electronic communication will be broadcast and amplified so other Council Members and all other persons present in the Council Chambers will be able to hear or see the communication.

**PLEASE MAKE SURE ALL CELL PHONES ARE TURNED OFF DURING THE MEETING**

DATE POSTED: MARCH 17, 2017  

RORI L. ANDREASON, MMC  
H.R. DIRECTOR/CITY RECORDER
Mayor Seghini called the meeting to order at 6:30 p.m.

I. INFORMATIONAL ITEMS
   A. DEPARTMENT REPORTS

Lt. Mark Olson thanked the Legal Department for the recent training for the officers.

Chief Scott McBride said his schedule has changed so if anyone needs to get ahold of him Rori Andreason has his information. He discussed organizational changes taking place in the Unified Fire Authority.

Laurie Harvey discussed the recent AA rating by Fitch on the sales tax revenue road bond.

Phillip Hill said he held a mock planning commission meeting today in the Council Chambers with the University of Utah Master of Real Estate development class. He was impressed with their development ideas and with the students.

Councilmember Stephen Brown asked if swings could be added for small kids in the main park.

Rori Andreason reminded the Council about the Budget Retreat on Thursday, March 23, 2017 at 8:30 a.m. at the Utah Local Governments Trust.

Lisa Garner thanked Lt. Olson for allowing them to conduct the training for the officers.
II. CITY MANAGER’S REPORT
Kane Loader discussed the homeless shelter site selection meetings being held. This is an impact to the cities and is not easily dealt with. Kane Loader said the budget retreat will be an interesting retreat.

The Mayor called the business meeting to order at 7:00 p.m.

III. GENERAL BUSINESS
A. Welcome and Pledge of Allegiance

B. Roll Call – Council Members Paul Hunt, Wayne Sharp, Quinn Sperry, Paul Glover, and Stephen Brown were present at roll call.

C. Proclamation – Boys & Girls Club Week

MOTION: Councilmember Wayne Sharp MOVED to move the proclamation for the Boys and Girls Club after the public comments. The motion was SECONDED by Councilmember Quinn Sperry. Mayor Seghini called for discussion on the motion. There being none she called for a vote. The motion passed unanimously.

D. UDOT – Presentation on I-15 South Bound Lane Addition; 12300 South to SR201; 7200 South Widening.
Lisa Zundel discussed the planned 7200 South widening project, which will take place during the I-15 South bound lane addition. They will be adding a sidewalk up to the road home shelter to help facilitate the patrons getting in and out of that facility. They will try to keep as much of the new landscaping as possible. Start April 2018 will take two construction seasons. 7200 South will more than likely be at the end of the construction due to the replacement of the rail structures that is needed. Public hearing to be held next week, March 29, 2017 at 5:00 to 7:00 p.m. at the Midvale Senior Center.

MOTION: Councilmember Stephen Brown MOVED to move the proclamation for the Boys and Girls Club forward. The motion was SECONDED by Councilmember Paul Hunt. Mayor Seghini called for discussion on the motion. There being none she called for a vote. The motion passed unanimously.

Proclamation – Boys and Girls Club Week
Councilmember Stephen Brown read the Proclamation declaring Boys and Girls Club Week. The Proclamation was presented to the Director of the Midvale Boys and Girls Club.

IV. PUBLIC COMMENTS
Sophia Hawes-Tingey, Vice Chair of Community Council, said they have reached out to the legislators of Midvale to attend the Community Council on April 5th to provide a wrap up of the legislative session.
Robert Hale said this week Honorary Mayor Marion Cox passed away. He worked for years and years to preserve the union history and a home of his ancestors. He had a vision of creating a monument for his parents but was not able to raise enough to get that accomplished prior to his death.

Bill Brinton said the City should not encourage anymore apartments in Midvale and was opposed to the Transit Oriented Development Zone. He said the parking in the high density developments are inadequate.

V. COUNCIL REPORTS
A. Councilmember Stephen Brown – had nothing to report.

B. Councilmember Paul Glover – UFA has their fire school on May 12th if anyone wants to attend. He asked if there was an opening date for the splash pad. Phillip Hill said possibly Memorial Day will be the opening.

C. Councilmember Paul Hunt – reported on a meeting he had with the Director of The Shelter for the Homeless Association who owns the assets on behalf of the homeless. They are trying to play a more active role with the homeless. They will submit his name along with another individual in the April meeting and vote to install them to the Board.

D. Councilmember Quinn Sperry – had nothing to report.

E. Councilmember Wayne Sharp – had nothing to report.

VI. MAYOR REPORT
Mayor JoAnn B. Seghini – had nothing to report.

MOTION: Councilmember Wayne Sharp MOVED to open a public hearing. The motion was SECONDED by Councilmember Quinn Sperry. Mayor Seghini called for discussion on the motion. There being none she called for a vote. The motion passed unanimously.

VII. PUBLIC HEARING(S)
A. CONSIDER ORDINANCE NO. 2017-O-04 REGARDING AMENDMENTS TO THE TRANSIT ORIENTED DEVELOPMENT ZONE, THE CREATION OF THE TOD OVERLAY ZONE AND AMENDMENTS TO THE MIDVALE CITY ZONING MAP

Phillip Hill said the amendment before the Council would amend the current TOD zone, reducing the maximum allowable height from 7 stories to 3 stories and reducing the maximum allowable density from approximately 100 residential dwelling units per acre to 25 residential dwelling units per acre. Also, as part of this amendment, a new TOD Overlay zone that could be applied to properties within the TOD zone through a rezone process, allowing up to 85 residential dwelling units per acre and a maximum allowable height of 7 stories. Through discussions with the Planning Commission on how these two zones would be applied, staff has drafted a map for each TOD area.
reflecting boundaries for the TOD and TOD Overlay zones at the request of the Commission. These boundaries are not final and may be amended by the City Council as a part of this process.

Any properties zoned TOD with the final action of the City Council will be eligible for a rezone to the TOD Overlay zone through a rezone process involving public hearings with both the Planning Commission and City Council. As a part of the rezone process, a development agreement will be required between the city and the developer to memorialize site plan approvals and any conditional use permit approvals. The rezone and development agreement would be approved at the same City Council meeting and any requested changes to the project would be required to go back before the approving bodies. Any parcel zoned TOD Overlay through this process will be afforded all the applicable development rights of that zone without need for a rezone process. It should be noted that whether a rezone is necessary or not, the developer will be required to enter into a development agreement with the City.

The Midvale City General Plan 2016 sets goals for public transit and associated opportunities in the City. The goal to “Develop standards in the vicinity of the Center Street and 7200 South TRAX Stations for mixed-use and transit oriented developments that take advantage of the proximity of transit while protecting the character of adjacent residential neighborhoods.” has helped to inform many of the recommended changes. Through the adoption of an amended TOD zone and the implementation of the TOD Overlay zone, standards will continue that take advantage of the proximity of the transit system while looking at identified parcels on a case by case basis to ensure the protection of the character of the adjacent stable residential neighborhoods as those parcels redevelop. As part of these proposed ordinances, the following amendments are proposed to clean up and clarify existing language:

**TOD**

1. Single Family clean up (setbacks [porches, garages front setback], parking, accessory structures)
2. Fencing height and materials
3. Adding access management to multi-family
4. Removal of street accessed garage requirement; not practical
5. Clarifying that recreation amenities are not a requirement of commercial development

**TOD Overlay**

1. Residential open space 30% (TOD up to 40%)
2. No changes to setbacks or buffering standards

Following a Public Hearing on February 08, 2017, the Planning Commission directed staff to provide the following:

1. Maximum heights and densities in TOD zones of surrounding jurisdictions; and
2. Map options including the elimination of certain parcels in the 7800 South TOD Overlay area and the inclusion of certain parcels in the 7200 South TOD Overlay area.

Included below is a synopsis of the maximum heights and densities allowed in surrounding
jurisdictions.

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<th>City</th>
<th>Maximum Height (stories)</th>
<th>Maximum Density (du/ac)</th>
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<td>4</td>
<td>35</td>
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<tr>
<td>South Jordan (I-15)*</td>
<td>20</td>
<td>Negotiated with City Council</td>
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<tr>
<td>South Jordan (town centers)*</td>
<td>5</td>
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<tr>
<td>Murray***</td>
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<tr>
<td>South Salt Lake</td>
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*One development approved at 17.8 du/ac; another at 52.8 du/ac
**One development approved at 36.2 du/ac
***Height may increase 1 foot for every foot beyond 100 feet from the nearest residential zone district

The first appeal is from the owners of the parcel located at 7300 South and 300 West. The appeal requests that this parcel be included in the 7200 South TOD Overlay. The second appeal is from ICO Multifamily Holdings, owners of the Applewood Mobile Home Park. Their appeal requests that the City consider increasing the TOD density from 25 to 35 dwelling units per acre, allowing for 4 stories rather than 3 as is allowed in the RM-25 zone, and counting roads, railroads and the like in the residential buffer calculations.

Council Requests
Following an initial discussion with the Council on March 07, 2017, it was requested that a third set of zoning map amendments be provided for consideration which eliminate the TOD Overlay from the Planning Commission’s recommendation on all parcels except the existing Center Square development.

Another point of discussion with the Council was the 15-foot front setback requirement in this zone, which includes a 5-foot amenity strip and 10-foot sidewalk. For reference, the south building at Center Square is set back anywhere from 18 to 30 feet from the back of curb along Center Street with 14 feet of landscaping, a 4-foot sidewalk, and a minimum of 5 feet of landscaping between the sidewalk and building. Along Center Square the building is setback 15 to 22 feet from the back of curb.

Mayor Seghini opened the hearing to public comment.

Kate Frayman - Desires to be part of the overlay zone. Developers won’t develop where it’s not going to be viable. The more hurdles the less they are likely to build. We hope they will make it part of the overlay.

Sophia Hawes-Tingey asked the Council to please not consider the Morley’s area part of this zone. Center Street is already too busy. Parking is a challenge for the area as well. There are single family homes right behind Morley’s. Maybe TOD zone in specific areas would provide mixed use where needed.

John Levanger said the city needs to consider Millennial Street is a traffic jam now. Changes will need to be made to that road to address the traffic problem before any development can occur.
Bryant Brown said he lives on Coolidge Street. He said there should at least be a turn lane there to help fix the traffic problems on Millennial. He agreed with what was said regarding the Morley’s area not being included in the five story zone and move it down to at least a three story zone.

Shane Litkey talked about Midvale City’s general plan and how the Planning Commission uses the plan as a guide. As they were looking at this, they found pockets in the city. His concern that Midvale City doesn’t have enough land for ¼ acre home, and that not everyone wants them anymore. He said there needs to be a mixed use types of property. With the TOD developments and overlay, it makes sense for developers. He feels that it is a good solution and happy medium for developers and residents.

Lorene Butler said she appreciates the opportunity to address the body. Your decision along with the Planning Commission will set the tone for years to come. She hopes to be listened to and understood. She believes there are reasons for growth. She is concerned for the TOD and overlay zone. She lives in the middle of all these zones. Her view and ability to get in and out of her residence will be very difficult. She would also like Morley’s taken out of that zone. TOD zones are for people that will use tracks. She feels that the zones should be a case by case decision. She feels that infrastructure and parking needs to be addressed.

Shirlene Stoven thanked the Mayor and Council for their support of the Applewood manufactured home park. She said they live in fear every day that they will be evicted. She is pleading for the residents of Applewood.

Doug Johnson said he lives on Cottonwood Street and works in Midvale. He agreed with almost everything said that evening. He said there are already problems with parking. He said the City needs to look at the future and make decisions before things get underway.

Sally Smith thanked the City Council for their input. She said we are not New York City or San Francisco. She asked how much the taxes would go to the City for a high rise development.

Evan Hansen wanted to give comments from the Planning Commission. We have had a lot of good input. We worked very hard to generate a good balance to protect single family homes as well as the rights to develop. The projections are huge for growth. Not everyone can afford a home anymore. They tried to balance all those things going through this process. Access to major roads is a major concern. Parking is an issue that has been brought up several times. That will be an issue to consider. He encouraged the Council to move forward with this. He said he has been delighted with the public comment this issue has generated.

Jeri Jorgensen said she lives by the TOD by Morley’s across the street. UTA parking lot is in her back yard. She is the Head Secretary for Midvale Elementary where they currently have 772 students. The children in the high rise on Center Street will go to Midvale Elementary.

Suzanne Walker expressed gratitude to the Planning Commission and City Council for listening to them. She is pleased with the way things are going and for the open dialogue. She said she agreed with pretty much everything said. She was concerned with parking for Midvale Station. When cars start parking on both sides of the road, the streets cannot handle the additional traffic.
She agreed with the comments of needing to find a balance with commercial and residential. She hopes everyone will continue to be involved.

Janene Johnson said she lives on Cottonwood Street. She said she has two young kids and more population will bring some undesirable people here. In the past few years living here in Midvale, her car has been broken into three times. Her garage has also been broken into. Having more high density apartments will bring more problems and consequences for those trying to raise a small family.

Robert Snow said he lives in Applewood. He wanted to express his feelings of gratitude to the Council appreciation for seeing the significance of the impacts these zoning issues have on the community. Costs have increased and many of the residents are on fixed incomes. It caused a lot of stress on the seniors living there.

Brent Burgon resident of Midvale. Thanked the Mayor and Council for their service and taking a look at this. He was fully supportive of the TOD and reducing the height to 3 stories. He liked map “C” because it allows citizens to have input on anything above three stories. He realizes there is a need for development and a need to allow developers of what they can do so they don’t spend a lot of money on a project that is not allowed. Desires to take Morley’s out of the mix. The number of parking spaces per unit cannot be reduced. The good news is the Trax stations are in the residential area. The bad news is that Trax stations are in the residential area. He asked that the Council be cognizant of the fact that there are residential homes within 100 ft. of potential high rise developments.

Councilmember Paul Glover asked by a show of hands who would prefer an overlay and no overlay. The majority of the citizen’s present would prefer an overlay.

MOTION: Councilmember Wayne Sharp MOVED to close the public hearing. The motion was SECONDED by Councilmember Paul Glover. Mayor Seghini called for discussion on the motion. There being none she called for a vote. The motion passed unanimously.

This item will be brought back on April 4, 2017 for action.

Councilmember Quinn Sperry thanked the public for their attendance and for voicing their opinions. As he looks at decisions that we have to make he is very interested in what this plan is and looking at the balance for residents and business owners. He felt there needs to be some kind of overlay.

MOTION: Councilmember Wayne Sharp MOVED to open a public hearing. The motion was SECONDED by Councilmember Quinn Sperry. Mayor Seghini called for discussion on the motion. There being none she called for a vote. The motion passed unanimously.
B. CONSIDER ORDINANCE NO. 2017-O-05 A TEXT AMENDMENT TO AMEND THE LANGUAGE FOR REAR SETBACKS IN THE STATE STREET COMMERCIAL (SSC) ZONE

Lesley Burns stated that staff is proposing a text amendment to change the rear setback requirement and clarify the setback language in the State Street Commercial Zone, specifically where the rear property line is adjacent to existing commercial development. This proposed amendment addresses the following in the existing ordinance:

- Section 17-7-7.4 (A) does not include any language regarding side setbacks. It is implied that there are no side setback standards unless required by other standards, i.e. a landscape buffer when adjacent to residential development or by the Building Code. Staff is proposing to add language that specifically states this, so there is no question what is expected.

- The required rear setback for buildings is 20 feet regardless of the adjacent use. Staff is proposing to eliminate the rear setback requirement, except where it is required by other code standards, i.e. a landscape buffer when adjacent to residential development or by the Building Code. This will provide for additional developable area on commercial properties if it is not adjacent to residential development. When adjacent to residential development, new commercial development is required to provide a 30-foot residential landscape buffer (Section 17-7-7.7 (l)). This requirement would remain.

The Midvale City General Plan 2016 includes a future land use goal for the North, Middle and South State Street Opportunity Areas to support the redevelopment of underutilized parcels, (p. 51-53 Midvale City General Plan 2016). This proposed amendment is a small step in moving towards this goal, while not impacting adjacent existing residential uses. It would also make the setback language in the State Street Commercial Zone consistent with the Clean Industrial Zone, which was changed in 2010.

Planning Commission Recommendation
The proposed text amendment was presented to the Planning Commission at a public hearing held on February 22, 2017. Following the public hearing, which included support for the amendment and some questions, the Planning Commission forwarded the following recommendation for the City Council’s consideration:

“Based on the future land use goal for the North, Middle and South State Street Opportunity Areas to support the redevelopment of underutilized parcels, without impacting adjacent residential uses, I move that we forward a recommendation to the City Council to approve the text amendment to change the rear setback requirement and clarify the setback language in the State Street Commercial Zone as proposed in Attachment A.”

Mayor Seghini opened the public hearing to public comment.

Mike Bennett owner of Team Gear at 8500 South State. He has been here for nine years. When he bought the property, he was under the impression he would be able to put an addition on the back side of our building. This addition would allow them to receive freight and store product so
it’s not on the retail floor. Hope the Council would consider allowing them to build next to commercial.

MOTION: Councilmember Stephen Brown MOVED to close the public hearing. The motion was SECONDED by Councilmember Paul Glover. Mayor Seghini called for discussion on the motion. There being none she called for a vote. The motion passed unanimously.

ACTION: APPROVE ORDINANCE NO. 2017-O-05 A TEXT AMENDMENT TO AMEND THE LANGUAGE FOR REAR SETBACKS IN THE STATE STREET COMMERCIAL (SSC) ZONE

MOTION: Councilmember Quinn Sperry MOVED that we adopt Ordinance No. 2017-O-05 clarifying the setback language and changing the rear setback requirement in the State Street Commercial Zone.

Councilmember Wayne Sharp made a comment that he is not making a decision based on a specific business or individual and this is a good text amendment for what we are doing.

The motion was SECONDED by Councilmember Stephen Brown. Mayor Seghini called for discussion on the motion. There being none she called for a roll call vote. The voting was as follows:

- Council member Stephen Brown Aye
- Council member Paul Glover Aye
- Council member Paul Hunt Aye
- Councilmember Wayne Sharp Aye
- Council member Quinn Sperry Aye

The motion passed unanimously.

VIII. CONSENT AGENDA
A. APPROVE MINUTES OF MARCH 7 AND 14, 2017

MOTION: Councilmember Stephen Brown MOVED to approve the consent agenda. The motion was SECONDED by Councilmember Quinn Sperry. Mayor Seghini called for discussion on the motion. There being none she called for a roll call vote. The voting was as follows:

- Council member Stephen Brown Aye
- Council member Paul Glover Aye
- Council member Paul Hunt Aye
- Councilmember Wayne Sharp Aye
- Council member Quinn Sperry Aye

The motion passed unanimously.

IX. ADJOURN
MOTION: Councilmember Paul Glover MOVED to adjourn the meeting. Councilmember Paul Hunt SECONDED the motion. Mayor Seghini called for discussion on the motion. There being none, she called for a vote. The motion passed unanimously.

The meeting adjourned at 9:43 p.m.

Rori L. Andreason, MMC
H.R. DIRECTOR/CITY RECORDER

Approved this 18th day of April, 2017.
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<td>Laurene Walker</td>
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<td>116 Altavista Dr</td>
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<td>Carrie &amp; Alphonse Wagner</td>
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