

COTTONWOOD HEIGHTS

RESOLUTION NO. 2014-51

A RESOLUTION APPROVING AN AGREEMENT WITH
WATER WALKERS, LLC FOR 2014 BUTLERVILLE DAYS

WHEREAS, the city council (the "*Council*") of the city of Cottonwood Heights (the "*City*") met on 22 July 2014 to consider, among other things, approving and ratifying an agreement (the "*Agreement*") with Water Walkers, LLC ("*Provider*") whereunder the City would authorize Provider to place and operate a "water walker" activity at the City's 2014 "Butlerville Days" community celebration on the terms and conditions specified in the Agreement; and

WHEREAS, the Council has reviewed the form of the Agreement, a photocopy of which is annexed hereto as an exhibit; and

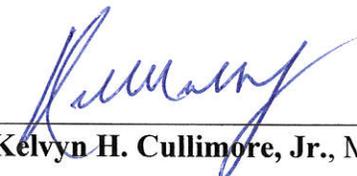
WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the citizens of the City to approve the City's entry into the Agreement as proposed;

NOW, THEREFORE, BE IT RESOLVED by the city council of Cottonwood Heights that the attached Agreement with Provider is hereby approved and ratified, and that the City's mayor and recorder are authorized and directed to execute and deliver the Agreement on behalf of the City.

This Resolution, assigned no. 2014-51, shall take effect immediately upon passage.

PASSED AND APPROVED this 22nd day of July 2014.

COTTONWOOD HEIGHTS CITY COUNCIL

By 

Kelvyn H. Cullimore, Jr., Mayor

ATTEST:



Kory Solorio, Recorder

VOTING:

Kelvyn H. Cullimore, Jr.	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Michael L. Shelton	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
J. Scott Bracken	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Michael J. Peterson	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Tee W. Tyler	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>

DEPOSITED in the office of the City Recorder this 22nd day of July 2014.

RECORDED this 23 day of July 2014.

Event Proposal

THIS EVENT PROPOSAL (this "*Agreement*") is entered into effective 22 July 2014 between **WATER WALKERS, LLC, INC.**, a Utah limited liability company whose address is 4968 South Cowdell Street, Taylorsville, UT 84129 ("*Contractor*"), and the city of **COTTONWOOD HEIGHTS**, a Utah municipality whose address is 1265 East Fort Union Blvd., Suite 250, Cottonwood Heights, UT 84047 ("*City*").

Section 1. **Background.** City has scheduled its annual "Butlerville Days" community event (the "*Event*") for 23-24 July 2014 on the public property surrounding the Cottonwood Heights Recreation Center near 2700 East 7500 South in the City (the "*Event Site*"). As part of the Event, City desires to provide recreational opportunities to Event participants in the form of rides, games and other activities. Contractor is in the business of providing one such service, and has proposed to provide (as specified in the Agreement) all necessary or advisable equipment, facilities, supervision, etc. for a "water walker" activity (the "*Activity*") in connection with the Event. The Activity involves the use of air-tight, plastic "water walking balls" holding a person, which are placed on an inflatable plastic water pool (the "*Pool*"), allowing the occupants to effectively walk on water.

Section 2. **Activity.** Contractor shall perform for City the following described services (the "*Services*") in connection with the Event:

(a) Contractor will set up the Pool and all associated supplies and equipment (collectively, the "*Equipment*") before the Event begins using water provided by City;

(b) Contractor will operate the Activity for the duration of the Event, charging \$5 per participant ("*Participant*");

(c) Contractor will have a qualified, adult attendant in place safeguarding the Equipment and preventing unauthorized use of the Pool throughout the Event (including the entire night of July 23-24) and during the entire time that any water is in the Pool; and

(d) Contractor will take down the Pool upon termination of the Event and will remove all Equipment upon conclusion of the Event.

The Activity will be fully set up and operational by 5:00 p.m. on 23 July 2014; will operate until 9:00 p.m. on 23 July 2014 and between 2:00 p.m. and 9:00 p.m. on 24 July 2014; and the Equipment will be fully disassembled and removed from the Event Site by 1:00 a.m. on 25 July 2014.

Section 3. **Compensation.** Contractor shall pay to City an amount equal to fifteen percent (15%) of Contractor's gross sales ("*Sales*") at the Event. The next business day after the Event, Contractor shall (a) meet with City's representative to disclose the results of Sales, cash received for each category of items offered by Contractor, etc., and (b) remit to City its 15% portion of Sales. Contractor shall maintain accurate books and records concerning all Sales at the Event, and shall safeguard such records and make them available for City's inspection promptly upon City's request at any time during the six month period after the Event.

DATED effective the date first-above written.

CONTRACTOR:

WATER WALKERS, LLC,
a Utah limited liability company

By: _____
Carter Wilkey, Manager

CITY:

COTTONWOOD HEIGHTS, a Utah municipality

ATTEST:

By: _____
Kory Solorio, Recorder

By: _____
Kelvyn H. Cullimore, Jr., Mayor