

# COTTONWOOD HEIGHTS

## RESOLUTION No. 2023-28

### A RESOLUTION APPROVING AN "EVENT PROPOSAL" CONTRACT WITH CUSTOM EVENTS, INC. FOR 2023 BUTLERVILLE DAYS

**WHEREAS**, the city council (the "*Council*") of the city of Cottonwood Heights (the "*City*") met on 6 June 2023 to consider, among other things, approving and ratifying a contract and an amendment thereto (collectively, the "*Agreement*") with Custom Events, Inc. ("*Provider*") whereunder the City would retain Provider to provide and oversee various events at the City's 2023 "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. 2023-28, shall take effect immediately upon passage.

**PASSED AND APPROVED** this 6<sup>th</sup> day of June 2023.

**ATTEST:**

**COTTONWOOD HEIGHTS CITY COUNCIL**

By: \_\_\_\_\_

Paula Melgar, Recorder

By: \_\_\_\_\_

Michael T. Weichers, Mayor



**VOTING:**

Michael T. Weichers	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Matt Holton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Shawn E. Newell	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Ellen Birrell	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

**DEPOSITED** in the office of the City Recorder this 6<sup>th</sup> day of June 2023.

**RECORDED** this 7<sup>th</sup> day of June 2023.



801-446-5115

[www.customeventsinc.com](http://www.customeventsinc.com)

[538 W. 9560 S. Sandy, UT 84070](https://www.google.com/maps/place/538+W+9560+S+Sandy,+UT+84070/@40.5555556,-111.8333333,15z)

### EVENT Contract\*

Company: Cottonwood Heights for its Butlerville Days Community Event ("City")

Contact: Ann Eatchel c/o Cottonwood Heights  
2277 East Bengal Blvd.  
Cottonwood Heights, UT 84121

Telephone: 801-550-8225

Fax/email: [aeatchel@ch.utah.gov](mailto:aeatchel@ch.utah.gov)

Date: Friday July 28<sup>th</sup> and Saturday July 29<sup>th</sup>, 2023

Time: Friday 4:00 pm – 9:00 pm and Saturday Noon – 9pm

Location: 7500 South 2700 East, Cottonwood Heights

Custom Events ("Provider") will provide the following services for the Event:

**\*\*Polar Bear Slide.** Standing 28' in the air this slide will send you sliding down the icy slopes of the snow with all the penguins and fun friends.

**\*\*Cars Movie Slide.** Take a trip with Mater and all of the Cars crew on this large and exciting slide from the Disney movie Cars.

**\*\*The Lost Jungle King Cobra Obstacle Course.** This is one of our most exciting attractions! As you can see this Giant King Cobra will be watching you as you bounce and play. It is thrilling for all ages! The huge King Cobra will welcome you into this adventure of slides, tunnels and obstacles. Are you up for it? Enter if you dare!

**\*\*Star Wars 50' Obstacle Course.** Come climb into a new world of adventure when you imagine you are the pilot of the Millennium Falcon and fly out of the galaxy, as you climb over and under

avoiding Darth Vader and the Storm Troopers. Come enjoy this galaxy far far away!

**\*\*Mickey Mouse Playhouse Adventure.** This is a younger child adventure with all of your favorite Disney characters. Come on in for a fun adventure with bouncing, slide, and obstacles.

**\*\*18 Foot Slide.** This colorful inflatable slide is great fun for all ages, it is double wide so two riders can go at the same time. Not only is it fun, but riders also move through quickly so it is great for large crowds who don't like to wait in line!

**\*\*40 Foot Obstacle Course.** This is a fun and colorful obstacle course built for all ages! Race your friends, family or even your enemies through this awesome and challenging course!

The total price for the above services will be: \$18,200.00

Minus multi attraction discount: savings of \$11,200.00

Subtotal before tax: \$7,000.00

Sales tax of 7.25%: \$507.50\*

\*If applicable to City. Sales tax amounts will vary depending on the location of the Event. A mandatory restaurant tax will be assessed for any food products.

Grand total price after tax: \$7,507.50

**\*\*Provider will set up, staff, and clean up all attractions. Provider will also provide the power for all attractions.**

**\*\*Provider will have 16+ year-olds running all attractions.**

**\*\*Provider will provide the cell phone number and contact information for Provider's manager in charge of Provider's activities at the Event. Such manager shall be readily available to take the City's calls throughout the Event.**

**\*\*Provider will always have a minimum of two extra managers out in front of rides to insure extra safety precautions and to obtain medical assistance from the UFA medical tent for any users of Provider's equipment needing such assistance.**

**\*\*Provider will not have any carts or motorized vehicle running during the Event.**

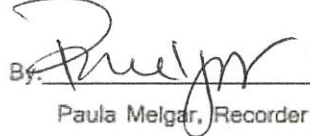
\*\*Provider operates all equipment according to manufacturer and insurance specifications. Provider will not be held liable if wind, weather, or other acts of nature affect its ability to perform at the Event, and City agrees to pay Provider for services regardless of early shutdown due to weather. City will not be responsible for any setup costs for services.

*\*Provider schedules the use of attractions on a first come, first served basis. The equipment on this proposal is not guaranteed unless a signed copy is received and confirmed by Provider.*

To book the above services, a NON-REFUNDABLE deposit of 25% is required along with a signed copy of an acceptable proposal. The remainder will be due on the day of the Event.

Proposal accepted by the city of Cottonwood Heights effective 6 June 2023.

ATTEST:

By:   
Paula Melgar, Recorder



By:   
Michael T. Weichers, Mayor

AGREED TO AND ACCEPTED BY Custom Events, Inc. as of the effective date specified above.

By:   
Its: owner

## Amendment to “Custom Events” Event Proposal

**THIS AMENDMENT** (this “*Amendment*”) is entered into effective 6 June 2023 between **CUSTOM EVENTS, INC.**, a Utah corporation (“*Provider*”), and the city of **COTTONWOOD HEIGHTS**, a Utah municipality (“*City*”), and shall be deemed to amend the “Event Proposal” (the “*Agreement*”) that is attached to this Amendment.

Section 1. **Background.** City has scheduled its annual “Butlerville Days” community event (the “*Event*”) for 28-29 July 2023 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 inflatable slides and attractions. Provider is in the business of providing such services, and has proposed to provide (as specified in the Agreement) all necessary or advisable equipment, facilities, supervision, etc. for such activities in connection with the Event (collectively, the “*Event Services*”).

Section 2. **Amendments.** By their signatures below, the parties mutually accept and enter into the Agreement, subject to the following modifications:

(a) **Insurance.** Provider shall maintain in full force and effect a broad form comprehensive workmen’s compensation, bodily injury and property damage liability insurance policy or policies against claims for damage or injury to persons or property arising out of any of the Event Services (i.e.—whether equipment-based, supervision-based, or otherwise) in connection with the Event. Such policy shall be maintained on the minimum basis of One Million Dollars (\$1,000,000.00) combined single limit. Provider shall cause City, Cottonwood Heights Parks and Recreation Service Area (the “*Service Area*”), and their respective officers, employees and other designees to be named as additional insureds under such policy, and shall provide to City a certificate evidencing such insurance coverage at least three days before the Event. All insurance required to be carried hereunder shall be with companies, on forms and with loss payable clauses reasonably satisfactory to City. All such policies shall be written as primary policies, not contributing with and not in excess of coverage which City may carry.

(b) **Hold Harmless Undertaking.** Provider agrees, covenants, and undertakes to indemnify, hold free and harmless, assume liability for, and defend City, the Service Area, and their respective officers, employees, agents, servants and representatives (collectively, the “*Indemnitees*”) from any and all losses, costs, and expenses, including but not limited to monetary damages, attorney’s fees, investigative and discovery costs, court costs, fines, penalties, increased taxes, and all other sums, that any of the Indemnitees may incur, face, pay or become obligated to pay on account of any, all, and every demand for claim or assertion of liability, or any claim or action thereon, arising or alleged to have arisen out of any of the Event Services. The foregoing indemnities, etc. shall not, however, be deemed to waive or modify any rights, defenses, protections or limits of liability of City or the Service Area against third parties under the “Utah Governmental Immunity Act” (UTAH CODE ANN. § 63G-7-101, *et seq.*).

Section 3. **No Other Modifications.** Except as specifically amended and modified by this Amendment, the Agreement shall be deemed unmodified and in full force and effect between the parties.

DATED effective the date first-above written.

PROVIDER:

CUSTOM EVENTS, INC., a Utah corporation

By: Chris Gallagher

Its: Owner

CITY:

COTTONWOOD HEIGHTS, a Utah municipality

ATTEST:

By: Paula Meigar  
Paula Meigar, Recorder



By: Michael T. Weichers  
Michael T. Weichers, Mayor