

MEMORANDUM OF UNDERSTANDING

AGREEMENT BETWEEN THE CITY OF APPLETON AND MOSAIC FAMILY HEALTH, INC REGARDING DESIGNATED PARKING SPACES WITHIN THE CITY OF APPLETON'S YELLOW RAMP

I. THE PARTIES

- 1.01 The City of Appleton, a Wisconsin municipal corporation, doing business at 100 North Appleton Street, Appleton, WI 54911 ("City").
- 1.02 Mosaic Family Health, Inc., with its clinic located within Fox Commons at 100 N. Oneida St., Appleton, WI 54911 ("Mosaic").

II. THE RECITALS

WHEREAS,

- 2.01 The City, through its parking utility, owns and operates a parking ramp located at 130 East Washington Avenue and currently known as the Yellow Ramp wherein individuals may park in the ramp for a fee ("Yellow Ramp").
- 2.02 Mosaic operates a medical clinic providing various medical services to its patients.
- 2.03 The City has a long-standing policy addressing the procedure when a business desires to have designated parking stalls within a City ramp. The Designated Stalls In Parking Ramps Policy ("Policy") is attached hereto as Exhibit A and incorporated herein by reference.
- 2.04 Mosaic desires to acquire designated parking stalls within the Yellow Ramp consistent with the Policy's material terms and conditions but allowing for some flexibility as, over a period of time, Mosaic assesses the use of said stalls to determine the optimal number of designated stalls to best serve its patients.
- 2.05 Mosaic and the City ("Parties") agree that it is mutually beneficial to memorialize their mutual understanding to allow Mosaic flexibility as it evaluates parking use to determine the optimal number of designated stalls while working within the parameters of the Policy.

III. THE AGREEMENT

NOW, THEREFORE, it is agreed between the Parties as follows:

- 3.01 The recitals are hereby made a part of the Agreement.

- 3.02 Mosaic anticipates requesting five (5) designated parking stalls within the Yellow Ramp. The location of these stalls will be determined by the City in accordance with the Policy but are anticipated to be located on the third floor of the Yellow Ramp starting at the Southwest corner and working toward the Northwest corner as depicted in Exhibit B.
- 3.03 The Policy indicates “Business must agree in writing to guarantee the purchase of the designated stalls for a minimum of three (3) consecutive years” and the Parties agree to that for the first three years of this agreement (“initial period”). If Mosaic adds additional designated stalls, payment for those stalls shall be guaranteed for the balance of the initial period.
- 3.04 The Policy indicates “The annual fee shall be 2 times the Permit fee, per stall, paid in total for the entire year no later than January 2nd of that year.” The payment/fee covers the cost of the designation of stalls only. Access to the ramp via monthly permit or daily ticket with payment upon exit is still required. The permit fee is established annually through the City’s Parking Utility Fee Schedule (with the City reserving the right to adjust permit fees as needed subject to Common Council approval). The City agrees that the initial fee shall be prorated based on the remaining portion of the calendar year for the stalls designated for Mosaic. Thereafter, the annual fee and payment structure set forth in the Policy shall apply to those stalls.
- 3.05 The City reserves the right to revoke this Agreement and approval for designated stalls in accordance with the Policy.
- 3.06 In the event that any part of this Agreement is found to be illegal, that part shall be stricken, and the Agreement interpreted as if that part did not exist.
- 3.07 This Agreement may be executed in counterparts, either by original signature or verified electronic signature, each of which shall be deemed an original, but such counterparts shall together constitute but one and the same agreement. The headings in this Agreement are inserted for convenience of reference only and shall not constitute a part hereof.
- 3.08 The Agreement may be supplemented or amended only by written instrument executed by the Parties.

SIGNATURES APPEAR ON THE FOLLOWING PAGE

IN WITNESS WHEREOF, the Parties have caused the forgoing instrument to be executed on the day and year of the last signature below.

MOSAIC FAMILY HEALTH, INC.

By: _____

Date: _____

Printed Name: _____

Title: _____

CITY OF APPLETON

By: _____
Laura Jungwirth, Public Works Director

Approved as to form:

Christopher R. Behrens, City Attorney

A23-1019.crb.aka | revised November 8, 2024 -CB

April 18, 2013

**CITY OF APPLETON
DESIGNATED STALLS IN PARKING RAMPS
POLICY**

The objective of this policy is to establish the guidelines in which businesses requesting to have designated stalls in city-owned parking ramps for their business may be considered in downtown Appleton.

PROCEDURE

All requests from businesses to have designated stalls in city-owned parking ramps shall be submitted to the Department of Public Works to be reviewed against the criteria set forth in this policy. Requests not meeting the criteria shall be denied administratively. Requests meeting the criteria shall be forwarded to the Municipal Services Committee and Common Council for consideration.

All submittals shall contain the following information:

1. Name of business and business representative requesting the designated stalls.
2. Name of parking ramp request is for.
3. Number of stalls requested to be designated.
4. Drawing showing location of proposed designated parking stalls.
5. Purpose for requesting designated parking stalls.
6. Period of time requesting designated parking stalls.

APPROVAL CRITERIA

1. No more than a total of 5% of the total number of stalls in any parking ramp shall have designated parking stalls, leaving at least 95% open to the general public and permit customers.
2. Requests will be addressed on a first-come first-served basis.
3. Designated stalls will be located on Level 3 and above, unless otherwise approved by Council.
4. Business must agree in writing to guarantee the purchase of the designated stalls for a minimum of three (3) consecutive years.
5. Business will be charged costs associated with City staff fabricating and installing designated signs.
6. Approval for designated stalls may be rescinded by the Common Council if business fails to use the space for its intended purpose or the business fails to pay annual fee.
7. Approval is non-transferable to another business.

ENFORCEMENT

The designated parking stalls will be enforced by City staff on a complaint only basis.

PURCHASED PARKING FEE

1. The annual fee shall be 2 times the Permit fee, per stall, paid in total for the entire year no later than January 2nd of that year.
2. Rates are subject to change annually by the Common Council.

