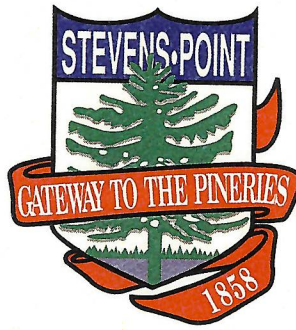


City of Stevens Point
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Mike Wiza
Mayor
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715-346-1570

February 20, 2024

To: Common Council

Re: Veto of Council decision to turn down a signalized intersection on Business 51

The reconstruction of Business 51 has been the most divisive project this city has seen in a lifetime. While the discussions have been going on for decades, it seems there has been little room for common ground. Proponents cite safety and speeds as the reason for lanes reductions, raised medians, removed driveways and increased boulevards. There is sound logic in those choices, but also consequences. The opponents of those options suggest loss of business, increased property maintenance and placing more of a burden on residential streets from drivers choosing alternate routes, also sound logic. Hundreds of people provided input over the last several years, to both sides of the debate.

As a compromise, a 4-3-4 configuration was proposed that seemed to be a reasonable solution to many of the concerns, while still addressing many of the safety needs. That was decisively turned down by the Common Council in 2023. The one area that the Council chose to have AECOM review was the intersection design at Fourth and Division, at an additional cost of about \$30,000. The engineers put together simulation data, crash reports and looked at a few other roundabouts with lower pedestrian and traffic counts and their evidence, admittedly, was anecdotal. They also conclude that, while a roundabout is "expected" to operate with lower delays and shorter queues, they also note that we may see an increase in both sideswipe and rear-end crashes, not even touching on the effect it might have on vehicle/pedestrian collisions. We encourage data driven decision making and our local data shows a consistent increase in crashes of about 150% for the roundabout at Northpoint/Business 51 vs. the same intersection when it was signalized. Obviously, that intersection also has far less pedestrians and bicyclists than the Fourth Avenue and Business 51 intersection.

Roundabouts are designed to keep vehicle traffic moving. Signals allow for traffic to stop and pedestrians to cross, and when the light changes, pedestrians wait while the vehicles cross. This process is orderly and familiar. With about 600 people crossing that intersection, I expect the negative impact pedestrians will have on vehicle movement within the roundabout will not only create longer delays and queues, but, as AECOM pointed out, we may see an increase in vehicle/vehicle and vehicle/pedestrian crashes.

I also believe the one lane roundabout design will have a negative impact on emergency vehicle access, since there will be little or no room to move right when the emergency vehicles need to get through the roundabout. The drivers of those emergency vehicles will not be aware of any congestion in the roundabout until they are very near it and there will be no options to turn around and find an alternative route.

Wisconsin Statutes 62.09(8)(c) states: The mayor shall have the veto power as to all acts of the council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to the mayor by the clerk and shall be in force upon approval evidenced by the mayor's signature, or upon failing to approve or disapprove within 5 days, which fact shall be certified thereon by the clerk. If the mayor disapproves the mayor's objections shall be filed with the clerk, who shall present them to the council at its next meeting. A two-thirds vote of all the members of the council shall then make the act effective notwithstanding the objections of the mayor.

It should also be noted that under *Sturzl Construction Co., Inc. v. City of Green Bay*, the courts determined that the mayor does not have veto authority over a Board Public Works decision in the awarding of a contract. In our case, a veto does not prohibit the award of a public works contract. A veto would only apply to the council's decision to turn down the recommendation of the Board of Public Works to use the signalized option, as it related to the design of one particular intersection in a design contract that has already been awarded.

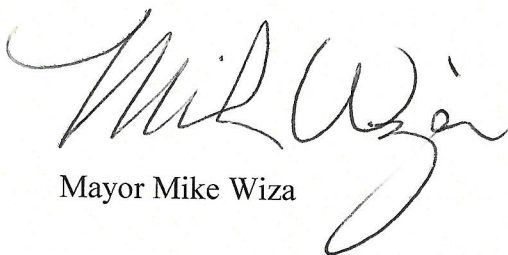
It should also be noted that the League of Wisconsin Municipalities published the following opinion regarding the use of veto power on a negative action, which is what took place on February 19th, 2024 meeting:

"Although it is not entirely clear whether the veto can be used in this situation, Wis. Stat. sec. 62.09(8) gives the mayor "veto power as to all acts of the council, except such as to which it is expressly or by necessary implication otherwise provided." While the mayoral veto is usually used with regard to affirmative legislation, occasionally it is used following a negative action. It is unclear what the legal effect of a mayoral veto is on negative legislation - whether the veto is merely an expression of the mayor's disagreement with the council's action or whether it has the effect of nullifying the council action unless the council overrides the veto."

Therefore, under the authority provided to me under Wisconsin Statutes 62.09(8)(c), I hereby veto the action of the Common Council on February 19th, 2024 which turned down the recommendation of the Board of Public Works to choose the signalized intersection design at Fourth Avenue and Business 51/Division Street. I am filing this objection with the City Clerk today.

I believe the Council will have to vote and overturn this veto or reconsider the action and recommendation by the Board of Public Works on February 12th, 2024 at that following Council meeting.

As required under Wisconsin Statutes 62.09(8)(c), the Clerk shall place this veto decision on the agenda for the March 18th Common Council meeting for a potential veto override by the Common Council. A two-thirds vote of all the members of the council will be required to override this action.

A handwritten signature in black ink, appearing to read "Mike Wiza". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Mayor Mike Wiza