

CITY OF LYNDEN



CITY COUNCIL MINUTES OF REGULAR MEETING

November 18, 2024

1. CALL TO ORDER

Mayor Korthuis called to order the November 18, 2024 regular session of the Lynden City Council at 7:00 p.m. in the city council chambers.

PLEDGE OF ALLEGIENCE

ROLL CALL

Members present: Councilors Gary Bode, Lee Beld, Gary Vis, Brent Lenssen, Nick Laninga, Kyle Strengholt, and Mark Wohrab.

Members absent: None.

Staff present: Community Development Director Heidi Gudde, Finance Director Laura Scholl, Fire Chief Mike Noonan, HR Director Kari Heeringa, Police Chief Steve Taylor, Parks Director Brent DeRuyter, Public Works Director Jon Hutchings, City Clerk Pam Brown, City Administrator John Williams, and City Attorney Bob Carmichael.

OATH OF OFFICE – Police Officer Brady Moore.

SUMMARY REPORTS AND PRESENTATIONS – None.

APPROVAL OF MINUTES

Councilor Vis moved, and Councilor Beld seconded, to approve the November 4, 2024 regular council minutes. Motion approved on 7-0 vote.

CITIZEN COMMENT

Cynthia Ripke-Kutsagoitz, Lynden

- Provided comment stating her concerns about the City Gate construction occurring on the corner of 19th and Front Streets across from Tractor Supply.

2. CONSENT

Set Date for Resolution 24-1112-Public Hearing – Adopting ADA Transition Plan

The City of Lynden's ADA Transition Plan for Facilities in the Public Right-of-Way, or accessible to the general public via easements, includes the following required elements:

1. Identify physical obstacles in the facilities that limit the accessibility of its programs or activities to individuals with disabilities.
2. Describe in detail the methods that will be used to make the facilities accessible.
3. Specify the schedule for taking the steps necessary to

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achieve compliance and if the duration of the transition plan is longer than one year, identify steps that will be taken each year. 4. Indicate the official responsible for implementation of the plan.

The Public Works Committee reviewed the Draft ADA Transition Plan at their meeting on November 6, 2024, and recommended forwarding to City Council to set a Public Hearing for December 2, 2024.

Set Date for Final Public Hearing on 2025 Budget

Approval for Mt. Baker Rotary Club Donation

The Mt. Baker Rotary Club has graciously offered to purchase a handful of gates for the openings to dugouts to help with a future Bender Fields Upgrades project for approximately \$9,583.28. This would provide the opportunity for local clubs and schools to host tournaments that would like more defined separation between players and fans. If approved by Council, the above donation will be used to make the purchase as soon as possible for immediate use.

Resolution 24-1108 – Request to Cancel Check

RCW 39.56.040 states that any registered or interest bearing warrants of any municipal corporation not presented within one year of the date of their call, or other warrants not presented within one year of their issue, shall be canceled by passage of a resolution of the governing body of the municipal corporation, and upon notice of the passage of such resolution the auditor of the municipal corporation and the treasurer of the municipal corporation shall transfer all records of such warrants so as to leave the funds as is such warrants had never been issued; and RCW 35A.40.020 provides code cities with the ability to pay claims via warrant or check and additionally states: “Wherever in this title, reference is made to warrants, such term shall include checks where authorized by this section.”

Check Numbered: 31346 will not be presented for payment; and should be canceled.

Councilor Bode moved, and Councilor Strengholt seconded, to approve the Consent Agenda. Motion approved on 7-0 vote.



3. PUBLIC HEARING

Ordinance 24-1694 – Real Estate Property Tax for 2025

As published, 7:00PM on November 18, 2024 is the time and date set for the Public Hearing on the 2025 Property Tax Levy as presented to the City Council by Mayor Korthuis at the October 21st City Council meeting. Upon completion of the public hearing with no items outstanding the 2025 Property Tax Levy will be presented to the City Council for adoption.

Mayor Korthuis opened the public hearing at 7:10 p.m. There were no comments. Mayor Korthuis closed the public hearing at 7:10 p.m.

4. UNFINISHED BUSINESS – None.

5. NEW BUSINESS

Ordinance 24-1697 – Additional Sales and Use Tax, TBD Boundaries

Transportation projects are important to the City of Lynden; this includes new projects as well as keeping up on the maintenance of the streets we already have. Additionally, the general fund has seen declining revenues and is less able to transfer funds for street projects. The City has previously established a Transportation Benefit District (TBD) which has allowed a number of significant projects to be completed. This additional funding will allow the TBD to continue this work and create less of an impact on the general fund.

RCW 36.73.065(4)(a)(v) authorizes transportation benefit districts to impose a sales and use tax in accordance with RCW 82.14.0455 in an amount not exceeding one-tenth of one percent (0.1%) for a period of 10 years upon a majority vote of the governing board of the District for the purpose of financing certain transportation improvements. This should produce approximately \$500,000.00 to the TBD account which can only be spent on transportation projects. This ordinance was discussed at the November 6, 2024 Finance and Public Works committee meetings and received a recommendation to move forward.

Councilor Strengholt moved, and Councilor Laninga seconded that Council approve Ordinance 24-1697 and authorize staff to forward the required information to the Department of Revenue so the sales tax can be entered into the state sales tax table. Motion approved 7-0.

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Ordinance 24-1694 – Property Tax Increase and Levy for 2025

All taxing jurisdictions are required, by RCW 84.52.020, to pass an ordinance setting the annual property tax levy on or before November 30th, and specifically indicating the increase in tax levy, if any, from the previous year, excluding the increase due to new construction,

improvements to property, or any increase in the value of state assessed property. The limit factor for a taxing jurisdiction with a population of 10,000 or over is the lesser of 1% or the rate of inflation. Given the current rate of inflation (2.57%) the City is allowed by statute RCW 84.55.005 to increase the Levy 1% or bank this capacity for future use. The City Council has deemed it necessary due to the City's funding requirements to increase the regular property tax levy by the full 1% allowed. The attached Ordinance 24-1694 includes an 1% increase and an increase of \$39,207.83, excluding increases for new constructions and improvements, annexations and increase in state utility valuations. The budgeted levy and mil rate have been calculated on preliminary information received to date from the Whatcom County Assessor's Office. When comparing preliminary 2025 levy assessment mil rates to 2024 levy assessment rates, there is an estimated \$0.0016 increase to a mil rate of \$1.05835. The final figures for the assessed valuation of the city's tax base are not yet available. Once those are provided by the County Assessor, Exhibit A of Ordinance 24-1694 will be updated to reflect the exact values and budget amounts. At today's Finance Committee meeting the draft ordinance was discussed and approved for review by the full Council.

Councilor Strengholt moved, and Councilor Wohlrab seconded that Council adopt Ordinance 24-1694 and authorize the Mayor's signature. Motion approved 7-0.

Ordinance 24-1693 – Increase to the Utility Occupation Tax

Chapter 3.28 of the Lynden Municipal Code provides regulations for the collection of Utility Occupation Tax from utility providers within the city. Utility Occupation tax is charged to the City owned and operated Water, Stormwater, and Sewer utilities. The current rate is 6%, which has not been increased since 2003.

As part of the budget cycle for 2025, there is an identified need for additional revenue for the General Fund, and an increase to City owned utilities is an allowable method to improve cash flow. This ordinance is written to increase the rate of collection by 2%, from the current 6% to 8%. In budget discussions, there has been further talk about increasing it an additional one or two percent. For Council consideration, each 1% increase provides approximately \$118,000 of additional revenue and cash flow to the General Fund, or just under \$10,000 per month.



If the Council wishes to modify the increase to a different rate, this should be reflected in the record during discussion at the meeting. The approved rate increase will be incorporated into the 2025 budget for adoption on December 2nd . Customers will be notified on their next billing cycle, and this tax would increase as of January 1, 2025, for collection in February 2025. This was reviewed in Finance Committee on October 21, 2024.

Councilor Beld moved, and Councilor Vis seconded that Council increase the rate of Utility Tax collection by 4%, from the current 6% to 10%. Motion approved 7-0.

6. REPORTS

Payroll for October 2024 and Claims up to November 14, 2024.

Councilor Laninga, Finance Committee, reported discussion of the following:

- Review of police and fire department overtime costs.
- Sales tax is holding steady but in behind in budget.
- Unified Fee Schedule will come to council December 2nd.
- Ambulance Utility Fee .
- Business license fees and the possibility of adding a renewal fee.
- Cash flow projections will be distributed to council tomorrow.

Councilor Wohlrab, Public Safety Committee, reported discussion of the following:

- Police department has two new officers onboard.
- Fire call numbers are going up and often the calls are being stacked which can be a risk.
- Police department reported the number of thefts was down last month.
- Electric vehicles.

Councilor Bode, Public Works Committee, reported discussion of the following:

- Bradly Road project.
- Benson Road project (Sunrise to Badger) with possible roundabouts.
- Cedar Drive project is almost complete.
- PW maintenance building.
- HVAC/electrical work at the Community Center.
- Guide Meridian water main extension project.
- 9th Street project will probably be done in the Spring.
- 10th Street project funding is being discussed.

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Councilor Vis reminded council about the December 7th Lighted Christmas Parade and the Fire Department spaghetti feed.

7. EXECUTIVE SESSION

Council did not hold an executive session.

8. ADJOURNMENT

November 18, 2024 regular session of the Lynden city council adjourned at 8:15 p.m.

Pamela Brown, City Clerk

Scott Korthuis, Mayor