



# CITY COUNCIL

## Regular Meeting Minutes

April 14, 2025

Mayor Primmer called the regular meeting to order at 7:00pm. Present were Councilors Hayward, Roberts, McCarthy, Duron, Myers, Barron, and Kelso. Councilor Linton was excused. City Staff in attendance included: City Manager Byron Smith, Assistant City Manager Mark Morgan (via Zoom), City Attorney Rich Tovey, Finance Director Ignacio Palacios, Chief Jason Edmiston, Parks and Recreation Director Brandon Artz, City Planner Clint Spencer, Court Administrator Jillian Viles, and City Recorder Lilly Alarcon-Strong. The pledge of allegiance was given.

Mayor Primmer stated that due to technical issues YouTube was not available, but Zoom is. Mayor Primmer asked that the Council allow changes to the Agenda to include allowing item 6B to be presented after 6C with a prior presentation from Umatilla County Dispatch Captain, Karen Primmer. The Council agreed.

### **Proclamation- National Day of Prayer**

Mayor Primmer read aloud the National Day of Prayer Proclamation.

### **Employee Service Recognition**

City Manager Smith stated each year the City recognizes employees with five-year anniversaries with a small gift of appreciation for their dedication and commitment to the City. City Manager Smith read aloud employees with 20, 25, 30, and 35 years working for the City as disclosed in the staff report.

Mayor Primmer thanked all those who were named as they are very deserving of the recognition and stated the employment longevity says a lot of amazing things about the City as an employer.

### **Proclamation- National Public Safety Telecommunicators Week**

Umatilla County Sheriff's Office Dispatch Manager, Captain Karen Primmer, gave information (attached) and spoke regarding National Public Safety Telecommunicators Week with specific mentions and acknowledgments to the Umatilla County Sheriff Office 911 Telecommunicators stating they are the unseen heroes of emergencies, the calm voices in the chaos, and the lifeline between those in need and the help they desperately require. The UCSO Dispatch took in 113,127 calls in 2024 with 93.97% of all 911 calls being answered within 10 seconds, higher than the national standard. Captain Primmer also recognized UCSO Dispatchers who received a Stork Award for delivering a baby via pre-arrival instructions and a Victor G. Atiyeh Award from the Department of Public Safety Standards and Training Academy and asked that the community give appreciation to the dedication and professionalism of telecommunicators.

Mayor Primmer also recognized Captain Primmer for receiving the 2023 911 Manager of the Year Award from the Oregon Chapter of Association of Public-Safety Communications Officials.

Councilor Roberts stated he was a dispatcher for a brief time in 1998 and encourages the public to take time to experience what they do stating it is a wonder to be watched.



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### **Citizen Input on Non-Agenda Items**

Amy Palmer, 1007 SW 19<sup>th</sup> Court- Thanked the Mayor for the many years of Proclamations the City has supported and formally invited all to attend the National Day of Prayer event (information attached).

Kelsey Mueller, 82460 Salmon Point Lane- Asked that the Council consider adding an additional one or two Type 2 Annual Vending Cart Licenses, stating her family would like to park their food cart in Hermiston instead of Boardman, however, the seven annual licenses in Hermiston have already been issued.

Mayor Primmer asked Mrs. Mueller to meet with City Manager Smith regarding this issue.

Gail Cherry stated she is the Pastor at Hermiston Solid Rock Community Church, 160 SW 2<sup>nd</sup> St- And asked that the City consider moving the bus stop from her Church address as transit users are destroying church property as they wait for the bus.

Mayor Primmer asked Ms. Cherry to meet with City Manager Smith regarding this issue.

### **Consent Agenda Items**

Councilor Barron asked when the Council would be presented with information regarding the Transit Committee Meeting.

City Manager Smith stated it will be presented at the next City Council Meeting.

Councilor Hayward moved, and Councilor McCarthy seconded to approve Consent Agenda item A-H to include:

- A. Committee Vacancy Announcement
- B. Recommendation to reappoint members of the Planning Commission as follows: Annette Kirkpatrick to Position 1; Philip Hamm to Position 2; and Benjamin Doherty to Position 3. All terms expiring March 31, 2028.
- C. Recommendation to appoint members to the Hispanic Advisory Committee as follows: Maryanna Hardin to Position 1, term expiring June 30, 2026, and Carolina Delgado to Position 4, expiring June 30, 2028.
- D. Recommendation to appoint Joseph Sharon to Position 4 of the Faith-Based Advisory Committee, term expiring December 31, 2027
- E. Hermiston Urban Renewal Agency (HURA) Annual Report
- F. Liquor License Application for Off-Premises Sales for Tienda El Chapin located at 905 W Hermiston Ave.
- G. Minutes of the March 24th City Council Work Session and Regular Meeting
- H. Minutes of the March 27 Transit Advisory Committee Meeting

Motion carried unanimously.



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### **Resolution No. 2365- Airport RPZ property Purchase Offer**

City Manager Smith gave information regarding purchasing 140.06 acres of land for the Airport's Runway Protection Zone with City contributions totally approximately \$100,000 after the FAA and Oregon Department of Aviation financial contributions.

After further discussion and answering questions from the Council, Councilor McCarthy moved, and Councilor Roberts seconded to approve Resolution No. 2365 and lay upon the record. Motion carried unanimously.

### **Adoption of 2025 Council Goal Setting Report**

City Manager Smith presented and reviewed the Goal Setting Report as supplied in the agenda packet specifically addressing each proposed goal as established during the two-day Goal Setting Session.

### **Public Comment**

Karyn Jones, 1010 W Highland Ave- Asked that the Council reconsider moving forward with the Aquatic Center and Broadband proposed projects, stating that the budget for these items are not financially responsible for citizens.

After further discussion, Councilor Hayward moved and Councilor McCarthy seconded to adopt the report as presented. Motion carried unanimously.

### **Discussion of Potential Adult Business Regulations**

Planning Director Spencer and City Attorney Tovey presented information (PowerPoint presentation attached) regarding implementation of potential adult business regulations as the Council had received several citizen requests on this issue, Oregon rules as well as State Supreme Court rulings regarding adult oriented businesses and second order effects, defining adult businesses, examples of cities who do and do not regulate adult businesses, potential paths to regulate adult businesses, and potential legal implications.

The Council spoke regarding mirroring similar adult regulations passed in Rainier Oregon, impacts these businesses have near schools and daycares, as well as issues with sex trafficking and other illegal activities. The Council also discussed if more efforts should be made to gain community feedback on this issue and how far the Council is prepared to go to defend their stance on this issue in court if it goes in that direction.

### **Public Comment**

Karyn Jones, 1010 W Highland Ave- Stated her neighbors do not want these businesses in the City and encouraged the City to seek additional public involvement and feedback on this issue stating that many people do not know about agenda items.

After further discussion and answering questions from the Council, the Council directed City Manager Smith to return to the Council after being able to receive additional information from public input and gathering additional information on if/how many other cities have had to go to court for this issue.



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City Manager Smith stated he will need a minimum of 30-days or more to gather this information to present to the Council.

### **Discussion of Transient Room Tax (TRT) Distribution**

City Manager Smith presented information as supplied in the agenda packet regarding TRT revenues, distribution of funds, and recent adopted changes, as the Council agreed to further review this topic in the Council Goal Setting to discuss potential funding increases to the Harkenrider Senior Center.

Councilor McCarthy asked that the Council also consider potential funding increases to the Greater Hermiston Chamber of Commerce; while declaring he is the current Chamber President but does not receive any financial compensation for this role.

Councilor Kelso stated based on the information provided it is clear that reallocating funds would mean the City would need to take money away from one to give to another.

Councilor McCarthy stated he understands this and believes the Chamber is more deserving of these funds than others.

Councilor Roberts recommended that these funds be left as-is for the 2025-26 budget and this subject be revisited in the Fall for the 2026-27 budget, to give the City time to meet with stake holders and gather additional information. The Council agreed.

### **Committee Reports**

**Faith-Based Advisory Committee-** Councilor Hayward spoke regarding Stepping Stones Alliance needs food and dinner, National Night Out, and National Day of Prayer.

**Parks and Recreation Advisory Committee-** Councilor Myers stated the Committee will meet on Thursday.

**Hispanic Advisory Committee-** Councilor Duron stated a member of the public gave kudos to the City as she witnessed a Customer Service Clerk on the first floor give very thorough information in Spanish.

**EOTEC Advisory Committee-** Councilor Barron stated the Committee did not have a quorum but they were given information regarding operations.

### **Mayor's Report**

Mayor Primmer spoke regarding:

- Most recent City Chat, stating there was a great attendance with really good questions asked and comments received
- Senator Merkley's recent Town Hall
- High School Rodeo's being held at EOTEC
- LOC Spring Conference
- And events being held in the City to include: Annual Easter Egg Hunt now being held at EOTEC instead of Butte Park, Spring Bazaar, Cinco de Mayo, I Love My City and Recycling event



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### **Council Presidents Report**

Councilor McCarthy stated Good Shephard Health Care System will be hosting their Family Fitness Day at EOTEC.

### **Council Reports**

Councilor Hayward stated his church welcomed a guest speaker pastor visiting from San Diego, and that pastor had great things to say about Hermiston.

Councilor Duron thanked the City for allowing her to attend the Conference in Washington DC; stating, as an immigrant, it was a privilege and honor to attend and speak with legislators. Councilor Duron thanked staff at the Police Department and Library for their patience and flexibility as they work through construction at each of their buildings

Councilor Barron spoke regarding attending the most recent City Chat, SEI Filing Deadline, and his most recent trip to the community of Heppner and how beautiful it is.

Councilor Kelso thanked the committee volunteers listed on the consent agenda, stated he attended the City Council meeting in Boardman and it was very interesting hearing a presentation from the County's Assessors Office, and plans to attend the Stanfield's City Council meeting as well.

### **Youth Advisory Report**

None present.

### **City Manager's Report**

City Manager Smith gave a brief summary of the City Chats event on April 9<sup>th</sup> at 2pm at the Next Chapter Book Store stating it was the most attended City Chat event with many great questions and feedback from the community.

### **Adjourn**

There was no other business and Mayor Primmer adjourned the regular City Council meeting at 9:11pm.

SIGNED:

\_\_\_\_\_  
Doug Primmer, Mayor

ATTEST:

\_\_\_\_\_  
Lilly Alarcon-Strong, CMC, City Recorder

## Participating Text-to-911 Partners

Umatilla County 911  
Dispatch Center



Milton-Freewater  
Police Department



Grant County (OR)



## 911 Agencies

*Provide superior public safety  
dispatch services in a skilled,  
expedient and respectful  
manner to the citizens and  
agencies we serve.*

*With a commitment to  
excellence and through  
continuing education and  
improved technology, we  
help save lives, protect  
property and proudly  
know we make  
a difference.*

**SERVICE**

**RESPECT**

**TRUST**

**UNDERSTANDING**

## Text-to-911 Services







**Call If You Can,  
Text If You Can't.**

**Remember, Voice Is  
Best, If Possible.**

## What Is Text-to-911?

Text-to-911 is the ability to send text messages to local 911 dispatch centers during an emergency.

Text messaging is one of the primary ways people communicate today, especially younger people and members of the deaf and hard of hearing and speech disabilities communities.

## How Does It Work?

Your wireless carrier sends your text messages to a "Text Control Center" which then forwards them to local 911 centers. Our 911 centers receive your information via an internet-based application.

If, for some reason, the internet is down, you will receive a message telling you that text-to-911 is currently not available in your area.

To use text-to-911 in an emergency, you simply open up your text messaging screen, enter "911" (with no dashes or spaces) in the "TO" field, type your message, and hit "SEND".

Do NOT send your message to multiple people in a group text because this will stop the message from reaching the 911 dispatcher.

If you are within an area that does NOT yet offer text-to-911 services, you will receive a return message that states services are not available. If that happens, place a voice call to 911 to report your emergency.

## Will the 911 Dispatcher Know My Location?

Most likely, no. It's important that you ALWAYS know your location to provide to 911 Dispatch.

## Things to Remember

Voice calls are preferred, if possible, because 911 can communicate more quickly with you.

Know your location.

Text-to-911 can only receive words and punctuation. 911 CANNOT receive emoticons, emoji, pictures or videos.

Your message may not be interpreted correctly if you use "text speak" or abbreviations. Examples of these types of abbreviations are: "TTYL" or "LOL".

Please text in English only.

At this time, interpretation services aren't available for text. 911 dispatchers will do their best to assist you, using Google Translate, if you aren't able to text in English.

Text-to-911 service doesn't raise your wireless bill. It is funded by an existing fee that is already included in your phone service fees.

You must have text messaging included on your wireless plan with a participating carrier to use text-to-911 services.

## For More Information

**[www.nwtext911.info](http://www.nwtext911.info)**

ALL ARE WELCOME TO JOIN US IN PRAYER & A TIME OF WORSHIP!

# **A DAY TO GATHER TOGETHER AND LIFT UP OUR NATION IN PRAYER**

**POUR OUT TO THE GOD OF HOPE AND BE FILLED!**

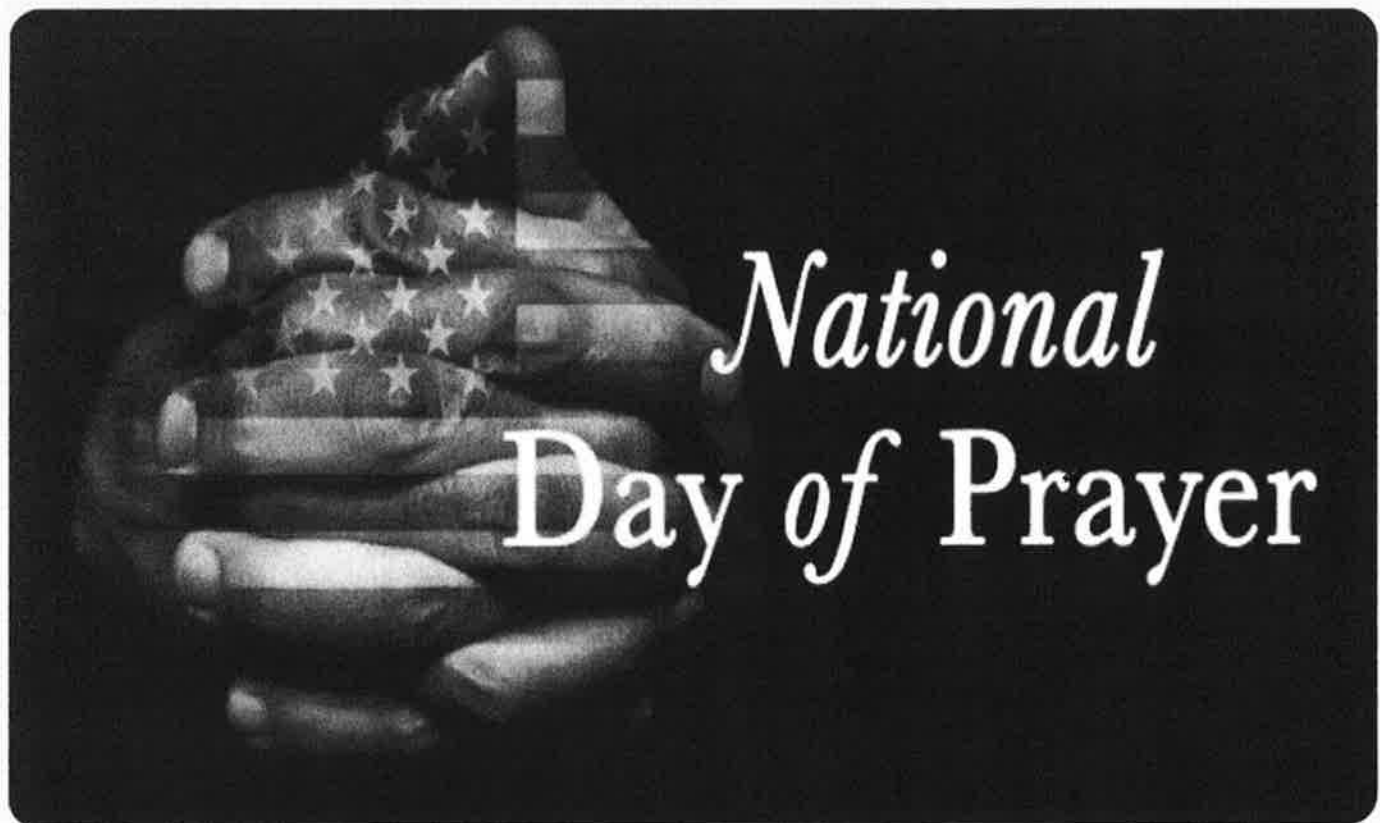
*"Now may the God of hope fill you with all joy and peace in believing, so that you will abound in hope by the power of the Holy Spirit." Romans 15:13*

**6:00 TO 7:30 PM**

**855 W Highland Ave., Hermiston, OR  
Seventh Day Adventist Church**

**THURSDAY**

**MAY 1, 2025**







## Background

- The city council has directed staff to research and report back on regulating adult businesses in Hermiston
- Council has received several citizen requests on this issue
- Oregon rules are more permissive than federal rules, granting more leeway to adult businesses in the state than nationally
  - *This will be discussed in more detail later*
- There is no one size fits all solution for this issue and cities vary on regulation from no regulation at all to requiring public hearings and conditional use permits for each instance



## The Oregon Rules

- Oregon Supreme Court rulings have held that the Oregon constitution is the guiding law and Article I, Section 8 requires
- *"...no law be passed that restrains the free expression of opinion, or restricting the right to speak, write or print freely on any subject whatever; but every person shall be responsible for the abuse of this right"*

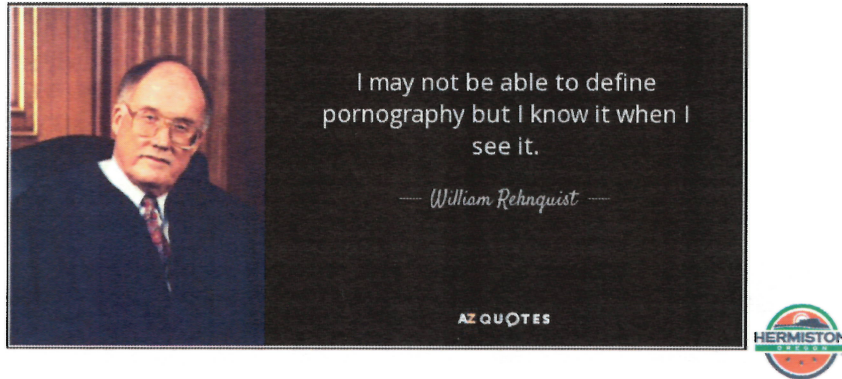


## The Oregon Rules

- Based on the state Supreme Court rulings, cities can regulate adult oriented businesses to address second order effects, such as nuisances, noise, etc. but cannot regulate adult oriented businesses based upon the content of the business itself
- In practice government rules must be content neutral and not subject adult businesses to differing rules than a similar business of a non-adult nature
  - *For example, an adult bookstore cannot be subject to hour restrictions or distance rules not applied to a standard bookstore*
- Adult businesses must be allowed to operate *somewhere* in a city. Blanket prohibitions do not pass constitutional muster



## Defining Adult Businesses



## Defining Adult Businesses

- “I’ll know it when I see it” does not work in a regulatory environment
- Develop a clear, concise, and objective definition of adult business
- Apply that definition fairly to the city as a whole



## Defining Adult Businesses

- Potential definitions:
- *City of Umatilla*
- Adult entertainment business or use: A business or use that provides sexually oriented entertainment, services or products which make up a substantial or significant portion of the establishment's activities or merchandise. Adult entertainment businesses or uses exclude minors by virtue of age under the laws of the State of Oregon, whether or not such minors are accompanied by a consenting parent, guardian or spouse. Types of uses include, but are not limited to: adult motion picture theaters, video arcades, massage parlors, nude modeling studios, lotion studios, adult bookstores, adult paraphernalia shops, nude photography studios, or eating and drinking establishments that have sexually oriented entertainment such as nude dancers, strippers, or other similar entertainers.



## Defining Adult Businesses

- Potential definitions:
- *City of Central Point*
- “Adult business” includes any adult arcade, adult bookstore, adult cabaret, adult theater, sexual encounter center, or other businesses which are characterized by an emphasis on sexually explicit material
- “Adult bookstore” means any store having a significant portion of its stock in trade, books, magazines, newspapers, or other printed or written material or any pictures, drawings, photographs, motion pictures, or other pictorial representations which are distinguished by their emphasis on matter depicting, describing or relating to “specified anatomical areas” or “specified sexual activities,” as defined in this section
- “Adult cabaret” is an establishment having as its primary attraction live exhibition (either for direct viewing, closed circuit viewing, or viewing through a transparent partition) for patrons either individually or in groups, where a substantial portion of the material presented is characterized by an emphasis on “specified anatomical areas” or “specified sexual activities” and excludes minors as a legal or prevailing business practice
- “Adult theater” means any theater or similar facility which is used primarily for presenting material with an emphasis on matter depicting, describing or relating to “specified anatomical areas” or “specified sexual activities,” for observation by patrons therein





## Defining Adult Businesses

- Hermiston can develop definitions that fit well in our community
- Umatilla chose to develop an all-encompassing definition
- Central Point chose to be more concise but to further refine with additional definitions
- These choices are made as a result of the regulatory approach
  - Some cities do a blanket regulation in the zoning code
  - Some cities regulate in a separate chapter applying to business rules and then implement in the zoning
  - Some cities approach through licensing only



## Oregon's Environment

- Reviewed rules in 42 Oregon cities, ranging in size from 1,617 (John Day) to 39,572 (Grants Pass)
  - Focus on cities either in the NE region or between 10,000 and 30,000 in population
- 26 cities do not regulate at all
  - Assume for purposes of research that no regulation in code equals a blanket approval since there is no regulatory mechanism to limit location
- 16 cities have some form of regulation



## Oregon's Environment

- 16 cities have adult business regulations
  - Six regulate only through business licenses
    - Licensing may be business licensing or employee licensing (age and background check)
    - Licensing may still involve a distance requirement from schools, parks and residences
  - 9 cities regulate through conditional use process in zoning ordinance
  - One allows outright in commercial zone
  - Three limit to only one commercial zone (an outlying or general commercial zone)
  - 10 cities have established a distance requirement from schools, parks, or residences
  - 6 cities regulate outward appearance of adult businesses (not allowing the public to see in in most cases)
  - 5 cities have a time restriction not allowing operation all night



## Oregon's Environment

- Why do cities choose not to regulate?
  - Oregon's permissive legal environment opens cities to legal challenges
  - May consider the time and cost of administration/enforcement plus cost of defending ordinance to be a poor use of resources
  - Citizens may not perceive an issue with adult businesses
- Why do cities choose to regulate?
  - Protection of public good where there is a compelling public interest in protection of property and/or reduction of blight
  - Licensing may reduce potential human trafficking (as noted some cities require all employees to be licensed, presumably to verify the status of dancers)
  - Control of potential nuisances (loitering, littering, noise)



## Where to Next?

- The city council has requested an overview of how other cities approach this issue
  - **No one-size-fits-all approach in the state**
  - **Direct staff to pursue an amendment to the zoning ordinance to specify a proper zone and process for permitting future adult businesses**
  - **Direct staff to develop a special license for adult businesses in the business license ordinance**
  - **Direct staff to develop an amendment to the nuisance ordinance requiring termination of a business license if more than three nuisance offenses occur in six months**
  - **Direct staff to not pursue the issue further**



## Where to Next?

- Addressing this issue through code amendments will require advice and assistance from outside legal counsel
- Potential path to regulate in zoning ordinance through conditional use process establishing location requirements
  - **Regulatory process must be content neutral**
  - **Address the effects of adult businesses rather than the business itself**

