



City of Berkeley, Missouri
City Council Meeting
Special Meeting
January 14, 2022
Minutes

Mayor Deinbo call the meeting to order at 2:01pm and the City Clerk read the notice.

Special Meeting Notice

Notice is hereby given that the City Council of the City of Berkeley, Missouri shall hold a hybrid Special Meeting via the Zoom platform, with a vote to go into closed session on: Friday, January 14, 2022 at 2:00 pm.

This meeting is called for the following purposes:

- 1) Discussion: Ordinance 4320 – 30% Rental Houses per block
- 2) Closed Session: Litigation, Real Estate, Personnel RSMo. 610.021(1-3)

Roll Call:

Councilwoman Mitchell (W1)	present	Councilwoman Williams (W2)	present
Councilwoman Hoskins (W3)	present	Councilwoman Anthony (W4)	present
Councilman Hindeleh (W5)	present	Councilwoman-at-Large Greene	present
Mayor Deinbo	present	Quorum established.	

City Manager Irvin, City Attorney Smith, Police Chief Jackson, Fire Chief Linhardt and City Clerk Jones were in attendance.

Mayor Deinbo opened the floor to City Attorney Smith to discuss Ordinance 4320, which limits non-owner-occupied homes on each block in R1, R2, and R3 districts with the city to 30%. The ordinance was substantially similar to a Winona, Minnesota ordinance. It was challenged claiming the ordinance was unconstitutional in that it violates equal protection and substantive due process. The court ruled that the ordinance was a valid exercise of the city's police power and that the appellants failed to demonstrate the ordinance was unconstitutional. Minnesota ruling is not binding in Missouri. Missouri has no case law on this issue. Another municipality in Missouri has adopted a similar version of this ordinance.

Attorney Smith also discussed the Fair Housing Act, 42 U.S.C. 3601, which prohibits discrimination by direct providers of housing, such as landlords and real estate companies as well as other entities, such as municipalities, banks or other lending institutions and homeowners' insurance companies whose discriminatory practices make housing unavailable to persons because of: race or color, religion, sex, national origin, familial status, or disability. The Fair Housing Act prohibits intentional and disparate impact discrimination.

After further discussion, some council members relayed that they have seen the benefits of the ordinance being in place. The council did not make any moves towards amending or repealing Ordinance 4320. Attorney Smith will continue to communicate with HUD to find out what part of the ordinance they feel is in violation of the Fair Housing Act.

Councilwoman Anthony moved, Councilman Hindeleh seconded, and the motion carried to adjourn the meeting at 3:19pm.

Approved: This 07th day of February 2022

Attest:

Deanna Jones, City Clerk

Babatunde Deinbo, Mayor