

PUBLIC NOTICES

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Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain or Wetland

Publication Date: Tuesday, August 26, 2025

This is to give notice that the City of Clinton has conducted an evaluation as required by Executive Order 11988 and/or 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its activity in the floodplain and wetland will have on the human environment for 2025 CDBG Downtown Revitalization under 25-DTR-005. The proposed project(s) is located at the Ankeny block and 220 5th Avenue S in Clinton, Clinton County. The CDBG Downtown Revitalization Fund provides grants to communities for activities contributing to comprehensive preservation/revitalization of areas of slum and blight. To meet the slum and blight national objective, the City of Clinton will address the documented building-by-building deterioration in the area to be assisted, illustrating that the proposed activity will alleviate or eliminate the conditions causing the deterioration. The documented current blight has created eyesores, structural, health, and safety issues. The Ankeny block and 220 5th Avenue S target 12 blighted facades for renovation. The buildings occupy approximately 4 acres within the floodplain and are protected by the levee.

This effort is being funded by a combination of private and federal funding.

The City of Clinton has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values: The CDBG Downtown Revitalization funds are targeted to repair existing facades of downtown buildings. The Clinton downtown, including the Ankeny block and 220 5th Avenue S are in an area of a floodplain protected by a levy. If these buildings are to be repaired work must be done in the floodplain. The alternative to not conducting work in the floodplain is to not make the needed repairs to the buildings that are participating in the Downtown revitalization program. No mitigation measures are required for the façade improvement projects being undertaken to minimize adverse impacts and to restore and preserve natural and beneficial values. The projects will not impact the floodplain. Measures will be taken to ensure compliance with state and local floodplain protection procedures.

The City of Clinton has reevaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988 and/or 11990, are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments. This activity will have no significant impact on the environment for the following reasons:

The project area is in an area protected by a levee. The Clinton levee system was designed to reduce flood risk from Mississippi River flood waters and high flows along Mill Creek and Turtle Creek that have a 0.5% probability of occurring in any given year. Such a flood is known as the 200-year flood event. However, the levee was constructed with significant freeboard, ensuring that the top of the levee is almost always more than 3 feet above the 500-year flow river level. So, it places the Clinton levee above the 500-year flood event. Making the levee three feet above 500-year flood elevation at that location. The overtopping scenario is a flood event with less probability than 0.20%.

Therefore, the project area is not anticipated to be impacted by flood water. The proposed repairs to be made to the existing building facades are not expected to impact or alter the floodplain.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

Written comments must be received by the City of Clinton at the following address on or before September 4, 2025. Matt Brooke, 611 S 3rd St, Clinton, IA 52732 and 563-242-2144 Attention: Matt Brooke, City Administrator. Comments may also be submitted, or further information can be requested via email at mattbrooke@cityofclintonia.gov. A full description of the project may also be reviewed from 8:30am to 4:00pm at 611 S 3rd St, Clinton, IA 52732.

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS
Tuesday, September 26, 2025
City of Clinton

611 S 3rd St
Clinton, IA 527332
563-242-2144

On or after September 5, 2025, the City of Clinton will submit a request to the State of Iowa, Iowa Economic Development Authority for the release of Community Development Block Grant funds under Title 1 of the HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 as amended (P.L. 97-35), to undertake the following project:
Project Title: City of Clinton Façade Improvements
Purpose: Repair the front façade of the Ankeny block & 220 5th Ave S

Location: Ankeny block & 220 5th Ave S, Clinton, IA 52732
Estimated Cost: \$1,977,685.00
The activities proposed: are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Pol-

icy Act (NEPA) requirements. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at City of Clinton, 611 S 3rd St, Clinton, IA and may be examined or copied weekdays 8:30 A.M to 4:00 P.M.

PUBLIC COMMENTS
Any individual, group, or agency may submit written comments on the ERR to the City of Clinton. All comments received by September 4, 2025, will be considered by the City of Clinton prior to authorizing submission of a request for release of funds.

RELEASE OF FUNDS
The City of Clinton certifies to the Iowa Economic Development Authority that Scott Maddasian in His capacity as Mayor consents to its accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. The Iowa Economic Development Authority approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the City of Clinton to use HUD program funds.

OBJECTIONS TO RELEASE OF FUNDS

The Iowa Economic Development Authority will accept objections to its release of funds and the RE's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the name of City of Clinton; (b) the City of Clinton has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by the Iowa Economic Development Authority; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to Iowa Economic Development Authority at 1963 Bell Avenue, suite 200, Des Moines, IA 50315. Potential objectors should contact the Iowa Economic Development Authority to verify the actual last day of the objection period.

Scott Maddasian
Mayor
Published: August 26, 2025

CLINTON COMMUNITY SCHOOL DISTRICT BOARD OF EDUCATION Clinton Administration Center AUGUST 11, 2025

Members Present: Jennifer Austin, Tarron Borgeson, Megan Dove, Andy Ferguson, Mike House, Matt Lorenzen, James McDonnell and Superintendent Wes Golden.

Call to Order: Board President House called the meeting to order at 5:30 P.M.

Mission Statement: Austin read the mission statement
Oath of Office: Cindy McAleer, Business Manager and Board Secretary administered the oath of office to board member Megan Dove.

Presentations:
"We are Prouds" - 6 Bluff Teachers took time this summer to attend the Science of Reading conference to learn more about best practices in teaching literacy. CHS student Jadyr Ellis made it to Iowa All State Show Choir this summer. 30 CHS students and 9 coaches helped with cleaning out the old weight room equipment (roughly 20,000 lbs.) and unloading the new flooring. 337 7th - 12th graders participated in summer workouts, 125 of which qualified as Iron King/Queen. The four elementary schools along with Mariah Reeves attended the 2025 Iowa Science of Reading Summit in Cedar Rapids. CCSD was the BEST represented school district and the conference director gave the district a shoutout in the opening session. Eagle Heights staff summer crew worked tirelessly this summer to get the building into beautiful shape for students and staff doing everything from moving new curriculum to learning the new waxing device, "Genesis", to transforming spaces.

Consent Agenda: Motion #1776-8-11-25, Borgeson moved, seconded by McDonnell, to approve the consent agenda as presented. The motion was adopted 7-0. Items found in the consent agenda:

Minutes of the Regular Board meeting held on July 14, 2025. Classified and Certified Employee Changes: Hired Kathleen Krogmann as CMS Instructional Strategist I; Mild/Moderate Teacher with a salary of \$62,000; Brianne Borgman as Bluff K-5 Music Teacher with a salary of \$62,763; Cailey Olson as Jefferson Third Grade Teacher with a salary of \$51,986; Elaine Brassard as Jefferson Preschool Deaf and Hard of Hearing Teacher with a salary of \$35,776.59 (pro-rated); Amanda Jelliff as CMS Instructional Strategist II; ID Teacher with a salary of \$35,776.59 (pro-rated); Ariana Krueger as CMS Cross Country Coach with a salary of \$2,048; Jalen Jones as CHS Assistant Boys Basketball Coach with a salary of \$3,998; Nathan Herrig as CHS EAC Administrative Stipend with a salary of \$6,000; Angela Richardson as CHS EAC Secondary Secretary with a salary of \$18,10/hr; Taylor Smyth as Jefferson BD Interventionist with a salary of \$15.76/hr; Colleen Allison-Brown as Jefferson BD Interventionist with a salary of \$15.76/hr; Kayla Schroeder as Bluff Paraeducator with a salary of \$14.51/hr; Molly Haan as Bluff Paraeducator with a salary of \$14.51/hr; Denise May as Eagle Heights Paraeducator with a salary of \$14.51/hr; Kristi Kilburg as Jefferson Paraeducator with a salary of \$14.51/hr; Leah Leonard as Jefferson Paraeducator with a salary of \$14.51/hr; Ashley Kam as Jefferson Paraeducator with a salary of \$14.51/hr; Katlyn Morine as Jefferson Paraeducator with a salary of \$14.51/hr; Jessica Flood as CHS Safety Monitor (90 days) with a salary of

\$1,000; CharKeyrrah Simmons as District After School Program Site Facilitator with a salary of \$13.00/hr; Carly Ryder as Eagle Heights TLC BLT Coordinator with a salary of \$2,375; Paige Suesmith as Eagle Heights TLC BLT Coordinator with a salary of \$2,375; and Kara Howard as Eagle Heights TLC BUILT with a salary of \$1,200.

Resignations from Dan Pataska as CHS TLC BUILT; Samantha Warren as CHS TLC BUILT; Sarah Marston as Eagle Heights TLC BUILT; Lisa Wheat as Eagle Heights TLC BUILT; Kathryn Wilke as Eagle Heights TLC BUILT (1/2 time); Nathan Herrig as CHS TLC PLC Leader; Laurel Thiessen as Eagle Heights TLC PLC Leader; Ann Barr as Jefferson TLC PLC Leader; Sarah Erwin as CHS EAC Administrative stipend; Trina Caw as CHS Assistant Girls Tennis Coach; David Lakin as CHS Head Softball Coach; Sharon Parker as CHS BD Interventionist; Brittany Costello as CHS Piano Accompanist; and Sylvia Luett-Silva as Whittier Nutrition Services Kitchen Helper.

- Emily Donovan Agreement for the 2025-2026 school year
- Agreement with the Clarke University for field experiences in education, student teaching and other education experiences for the 2025-2026 school year.
- ASU Universal Learner Amendment.

Financial Report: Motion #1777-8-11-25, moved by McDonnell, seconded by Borgeson. Motion carried 7-0 to approve the Financial Reports as presented. Communications from the Public: None

New Business:

1. Approval of the 2025-2026 PK-12 Student Handbooks: Motion #1778-8-11-25, Ferguson moved, seconded by Lorenzen. Motion carried 7-0. The board moved to approve the 2025-2026 PK-12 Student Handbooks.
2. Special PPEL Election Resolution: Motion #1779-8-11-25, Borgeson moved, seconded by Ferguson. Motion carried 7-0. The board moved to approve the Resolution of Election to direct the County Commissioner that the proposition be submitted to the voters of the district at election to coincide with the School Election on November 4, 2025 to approve a ten year \$.75 voter approved Physical Plant & Equipment Levy effective July 1, 2027.

3. Legislative Priorities 2025-2026: Motion #1780-8-11-25, Ferguson moved, seconded by McDonnell. Motion carried 7-0. The board moved to approve School Funding, Teacher Recruitment, School Safety, Mental Health and Local Control/Accountability as the legislative action priorities.

4. Appointment of Delegate to 2025 IASB Legislative Session: Motion #1781-8-11-25, Ferguson moved, seconded by Borgeson. Motion carried 7-0. The board moved to appoint Mike House as the Clinton Community School District representative to the IASB Delegate Assembly that will be held on November 19, 2025.

5. Agreement for Level 2 Investigative Services: Motion #1782-8-11-25, McDonnell moved, seconded by Borgeson. Motion carried 7-0. The board moved to approve Anne Morgan, AWM Corporation as our district's Level II Child Abuse Investigator.

6. 2025-2026 Handbook Legislative Changes: Motion #1783-8-11-25, Lorenzen moved, seconded by Ferguson. Motion carried 7-0. The board moved to approve the Legislative changes to the 2025-2026 Certified and Classified Handbooks. Other Pertinent Items to come before the Board:

Calendar of Events:
First day of school for CMS/CHS and Parent Conferences for Elementary, August 25, 2025
First day of school for elementary, August 26, 2025
First day of preschool, August 27, 2025
Next Scheduled Meetings:
Committee of the Whole meeting, August 25, 2025, 5:30 P.M., Clinton Administration Center Regular Board meeting, September 8, 2025, 5:30 P.M. Clinton Administration Center
Adjourn: The board adjourned at 6:02 P.M. moved by Borgeson, seconded by McDonnell.

Mike House
Board President
Cindy McAleer
Board Secretary
Published: August 26, 2025

CITY OF CLINTON CITY COUNCIL COMMITTEE OF THE WHOLE AUGUST 12, 2025

PRESENT:
Maddasion, Schermers, Obren, Mussmann, Kearns, Seeley, Davis, and Determan
ABSENT:

1. ROLL CALL
2. MEETING ITEMS

Update Chapter 155 (Rental Property Code) Establishing a 4-year Rental Cycle - Chief McQuiston
Chief McQuiston thanked the Council for allowing the Building Safety Division to present a new rental program. Chief McQuiston stated that Rich Foley, Deputy Building Official, had assembled a strong team to develop the best plan possible. Chief McQuiston noted that Foley had consulted with external stakeholders who provided input on the proposal. Chief McQuiston stated that the plan presented to the Council had undergone legal review. Chief McQuiston explained that the new program would improve efficiency, reduce the burden on property managers, and help defray the overall cost of the rental program.

Rich Foley, Deputy Building Official, stated that Chief McQuiston had asked whether the Building Safety Division could move away from the existing two-year rental program and consider a different approach. Foley explained that he met with a variety of landlords and stakeholders to form a work group. Foley stated that the work group developed a four-year tiered program with annual registration. Foley inquired how the Council would prefer to be informed about the changes. Councilmember Obren stated that he would like to hear all the significant changes, along with some background on why those changes occurred. Foley explained that in 2019, the rental code was modified at the same time as the International Property Maintenance Code. Foley noted that

much of the remaining language in the rental code simply referred to "dwelling." Foley stated that, with guidance from Lynch Dallas, the goal was to better define terms and remove redundancies to clarify what the rental code applies to.

Foley stated that many of the changes were administrative, such as updating terminology from "dwelling" to "rental dwelling." Foley explained that much of the revision focused on clarifying existing items. Foley noted that one of the major changes under the definitions section was the addition of definitions for terms such as "authorized agent" and "deputy building official." Foley stated that the terms "manager" and "licensee" were defined. Foley added that a key component of the new rental program was the shift to annual registration, which marked a significant change from the previous biannual registration process.

Foley stated that the definition of a rental had been redefined. Foley explained that one reason for this change was based on an inspection he conducted, during which he discovered that the tenant had previously owned the home but had transferred ownership to her son. Foley stated the intent was for the son to inherit the property if something happened to the tenant. Foley noted that, under the current definition, the home would be considered a rental because it was not occupied by the individual listed on the deed. Foley stated that, working with legal counsel, they were able to create a new definition that excluded certain properties from the rental program. Foley explained that this change was important to bring before the Council for review, as one of the common concerns or complaints regarding new rentals was why a property had to be classified as a rental when the owner had lived there for 20 years and simply transferred ownership to a child. Foley noted that the updated definition addressed this issue by clarifying occupancy and ownership criteria.

Foley stated that one of the other changes made was the elimination of biannual registration in favor of annual registration. Foley explained that one of the biggest challenges the Building Safety Division faced was tracking properties as they were sold. Foley noted that the current registration form included a notice instructing property owners to inform the Building Safety Division of any changes in ownership or management. Foley stated that this process did not always occur, resulting in staff having to track down new property owners. Foley emphasized that annual registration would help the Division more effectively identify property changes.

Foley stated that another item reviewed was the cost of managing and administering the rental program. Foley explained that, under the current structure, the rental inspection fee was \$40 per building and \$15 per unit. Foley stated for a single-family home, the inspection fee was \$55. Foley noted that if the property passed on the first inspection, the fee would be reduced by half to \$27.50. Foley stated if the property failed and required a reinspection, the property owner would be charged another \$55.

Foley stated that the work group discussions led to a proposal for annual registration, which would reduce fees by approximately half. Foley noted that there had not been a fee increase since 2014, so fees were slightly raised. Foley stated to avoid placing a financial burden on property owners, the inspection fees had been eliminated under the new program.

Foley stated that under the new program, there would be an annual registration fee, but no fee would be charged for the inspection itself. Foley explained that the only instances where an inspection fee would apply were if a third or subsequent inspection was required, if the property owner missed a scheduled inspection, or if there was a late cancellation. Foley emphasized that there would be no inspection fees as long as the property passed on either the first or second inspection.

Foley stated that another change involved gas-powered engines. Foley explained that many rental properties store items such as lawnmowers, and he had encountered a rental where a tenant kept a motorcycle in the living room to avoid parking it outside. Foley noted that this had become a recurring issue. Foley stated as a result, a new requirement was added to ensure that gas-powered engines were not stored inside rental units.

Foley stated that another section added to the rental code addressed water and power shut-offs. Foley explained that, under the Property Maintenance Code, a property cannot be occupied if it lacks illumination, lighting, or hot and cold running water. Foley noted that the rental code did not clearly spell out these requirements. Foley stated to improve clarity, a new section was added to consolidate this information in one location, so individuals would not have to search through multiple sections to find it.

Foley stated that the workgroup reviewed the four-year program and decided to model it after Dubuque's ordinance, adapting it to fit Clinton's needs. Foley explained that the tiered program was directly inspired by Dubuque's structure. Foley noted that when changes to the tier program were introduced, they would be presented to the Council via resolution. Foley added that as the new program continues to roll out, any issues or concerns that arise could be addressed by returning to the Council with proposed changes through resolution, rather than reopening the entire ordinance. Foley stated that the annual registration would begin in December 2025. He explained that property owners would be required to register their rentals each year by December 31. Foley noted that owners would have the entire month of December to complete their registration. Foley added that there would be a grace period during January and February, but if a property was not registered by March 1, penalties would begin to apply. Foley stated that the program would proceed in whatever manner the Council deemed

appropriate. Foley shared that his goal was to bring landlords together to walk through the new annual registration process collectively. Foley stated that the plan included launching an online application on the City's website, allowing property owners to register and pay for their rentals annually.

Councilmember Mussmann inquired whether, if a property owner's inspection was scheduled for October 2025, they would still be required to go through the new process and pay a new fee, or if the fee would carry over for the first year. Foley responded that the recommendation would be to allow any property owner who had paid for an inspection in 2025 to use that inspection for their 2026 registration. Foley added that the plan was to spread out the inspections over a four-year period. Foley explained that if a rental property had an inspection scheduled for the following year, the registration completed in 2025 would cover the fees for 2026.

Councilmember Mussmann inquired how the Division would verify a familial relationship if, for example, a son purchased a house from his father. Councilmember Mussmann inquired whether the Division would simply take their word for it. Foley responded that, unless there was a reason to believe the individuals were being dishonest, he would not request verification beyond a written statement that complied with the code.

Councilmember Seeley inquired whether Foley used a scoring sheet to evaluate properties. Foley explained that he currently used an online system consisting of 34 questions, which were answered during each rental inspection. Foley stated that the plan was to assign weights to the questions so that each rental unit would begin with a score of 100 points. Foley stated depending on the presence and severity of any issues, points would be deducted accordingly. Foley noted that a rental unit needed a score of 80 points or higher to pass the inspection. Foley mentioned that property owners now had the option to submit video evidence of updates in order to achieve a passing inspection.

Foley stated that if a property scored below 80 points, it could be placed in the remedial program. Foley explained that the remedial program would keep the property on a one-year or two-year inspection cycle, with the goal of eventually returning it to the four-year cycle. Foley added that if repairs were made in a timely manner, the property could remain on the four-year inspection schedule.

Councilmember Seeley inquired about the circumstances under which a property would be placed on a one-year or two-year inspection cycle. Foley responded that there would be a variety of factors involved. Foley stated that, for quality assurance, no property could be moved from the four-year inspection cycle without approval from either the Fire Chief or the Building Official. Foley provided an example of a property with a decaying porch that failed to make necessary repairs. Foley stated once the porch was eventually repaired, the property would remain on a two-year inspection cycle until it was consistently maintained and scored 80 points or higher. Foley gave another example of a property that required multiple inspection visits within a short time span due to repeated failures. Foley explained that such properties would be placed on a two-year cycle, as waiting four years could be detrimental. Foley emphasized that many of these decisions would be made on a case-by-case basis.

Councilmember Kearns inquired about the percentage of rental properties that would automatically be placed on the four-year inspection cycle. Foley stated that approximately 95% of the properties would qualify for the four-year cycle. Councilmember Kearns then asked how the inspections would be distributed. Foley explained that the scheduling would align with each property's certificate of occupancy and could also be influenced by administrative command staff if they chose to prioritize certain properties. He added that properties identified as needing earlier inspections would be scheduled accordingly. Foley emphasized that a key focus was quality assurance. He stated that the Building Division aimed to eliminate concerns regarding which inspector was conducting the inspections, noting that all inspections would now require approval from the Building Official. Foley explained that this change would ensure more oversight, with additional eyes on each property.

Foley stated that the goal was to transition properties from a two-year to a four-year inspection cycle, provided they met the necessary standards. Foley added that to eliminate any concerns about inspector consistency, all inspections would be vetted through the command staff and signed off by the Fire Chief, ensuring a higher level of quality assurance. Mayor Maddasian asked Foley to explain the tier system. Foley stated that there were three tiers. Foley explained that Tier 1, referred to as "Standard Plus," applied to properties with 12 or more units. Foley stated if a building qualified for Tier 1, the property owner would submit documentation showing that a self-inspection had been completed, and Foley would then inspect only 20% of the units. Foley stated if the property passed the inspection, it would remain on the four-year inspection cycle.

Foley stated that Tier 2 included standard properties with fewer than 12 units, which could also remain on the four-year cycle. Foley explained that Tier 3 consisted of high-risk properties, which would be placed on either a one-year or two-year inspection cycle due to their increased need for oversight.

Mayor Maddasian inquired if the same rights to appeal remained the same. Foley answered in the affirmative.

Travis Winter, 2328 North 8th Street, inquired about the actual fee amount. Foley reviewed the new fee schedule. Winter inquired whether the fee would remain the same even if the property passed the inspection. Foley responded that it was an

annual registration fee, regardless of whether the property passed or failed the inspection. Foley stated that the current operational budget for the rental program had been reviewed, and the fee reflected the lowest amount the Fire Chief felt was appropriate and financially sustainable.

Councilmember Seeley inquired about the number of rental units in the City of Clinton. Foley stated that there were approximately 4,250 units.

Mike Schult, 3800 Valley Oaks Drive, asked whether there would be consequences for renters who tampered with items in the home, such as smoke alarms. Foley responded that he would issue a tenant citation in cases where smoke alarms were tampered with.

Winter requested a copy of the rental inspection questions. Foley stated that he could provide the list and confirmed he would do so.

Councilmember Seeley noted a comment in the packet indicating that a checklist would be available for landlords. Foley responded that a checklist was already in place. Foley mentioned that he had been asked whether the checklist included details on the installation locations for fire extinguishers and smoke detectors. Foley explained that there were separate handouts covering those topics, and that a full checklist would span approximately 60 pages.

Foley stated that a general checklist was available on the website, which landlords could download. Councilmember Seeley inquired about the contents of that checklist. Foley replied that it provided a general overview of what inspectors look for during inspections. Councilmember Seeley commented that the checklist would help give landlords a better understanding of what inspectors would be reviewing, and Foley agreed.

Travis Winter stated that he had a few additional questions, including one regarding third-party inspections. Winter noted that he had raised the issue previously and saw it mentioned in the new packet, but had not yet received a clear answer on how it worked.

Chief McQuiston responded that there was a policy in place regarding third-party inspections. Chief McQuiston explained that inspectors must meet specific qualifications to be recognized as third-party inspectors. Chief McQuiston stated he was fairly certain he had already provided the policy to Winter for review. Chief McQuiston added that neither the Fire Department nor the Building Safety Division had requested to be designated as third-party inspectors.

Travis Winter asked how he would go about obtaining a third-party inspection if he chose to pursue that option. Winter inquired whether he would be responsible for finding an inspector himself or if the City would provide a list of qualified third-party inspectors.

Chief McQuiston responded that third-party inspectors were required to be qualified, as they needed to provide appropriate documentation and follow the same guidelines adopted by the City. Operations Director Karen Rowan added that it was the landlord's responsibility to find a qualified third-party inspector.

Foley stated that if someone was interested in conducting third-party inspections, they could approach the department with the appropriate documentation. Foley explained that the Fire Chief would review the paperwork to determine whether the individual met the minimum qualifications required to serve as an inspector. Foley added that if the City had a qualified third-party inspector on file, they would provide that information upon request. Foley clarified that the City does not actively seek out individuals to serve as third-party inspectors.

Travis Winter stated that his next question related to administrative search warrants. Winter expressed concern upon seeing that administrative search warrants could be used in rental inspections, noting that, to his understanding, such warrants required probable cause.

Attorney O'Connell responded that the administrative warrant process does operate on a probable cause basis. Attorney O'Connell explained that if a landlord refused access to the property and the tenant also denied entry, the City could petition the court for a warrant, provided there was probable cause to believe a code violation existed within the rental unit. Attorney O'Connell clarified that a signed warrant from a judge would be required to proceed with the inspection.

Attorney O'Connell stated that this process is typically how the City of Clinton handles such situations. Attorney O'Connell added that if a tenant submitted a complaint, the City would need an affidavit to support the claim, which could then be presented in court. Attorney O'Connell stated that often tenants voluntarily grant permission for inspectors to enter the unit. Attorney O'Connell emphasized that the City only needed permission from the person in possession of the unit to conduct the inspection.

Attorney O'Connell stated if neither the landlord nor the tenant granted access, then the City would need to obtain a warrant. Attorney O'Connell noted that most property owners who rent were generally cooperative and willing to allow access. Attorney O'Connell stated however, if access was denied and there was no probable cause, the situation would be treated as a Fourth Amendment issue, and the City would have to wait until a complaint was filed or permission was granted by the tenant.

Winter confirmed his understanding, stating that if a tenant did not want the inspection and there was no probable cause, the City would have to back off until probable cause existed to pursue a search warrant.

Foley added that if he arrived at a property for an inspection and the tenant refused entry, he would attempt to reschedule the inspection. Foley explained that if the inspection could not be completed, the Certificate of Occupancy would expire, and the property would no longer be considered a rental, requiring it to be vacated.

Foley clarified that administrative search warrants were not used in

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