

ORDINANCE NO. 14,094

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, by repealing Section 2-201 thereof and enacting a new Section 2-201, relating to the powers and duties of the city manager.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, is hereby amended by repealing Section 2-201 thereof and enacting a new Section 2-201, relating to the powers and duties of the city manager, as follows:

**Sec. 2-201. Powers and duties.**

(a) The city manager shall be the administrative head of the municipal government and shall have and exercise all the powers and perform all the duties prescribed by I.C. § 372.1 et seq., except as otherwise provided by ordinance, resolution, or motion of the city council. Except as otherwise provided in this Code or by state law, the city manager shall have the power and duty to provide for the issuance and revocation of such licenses and permits as are authorized by law or ordinance. The manager shall supervise and administer the offices of economic development and public affairs.

(b) The city manager or his or her designee may, in his or her discretion, execute right of entry and access agreements for and on behalf of the city, granting access to specified city property to persons for purposes of conducting surveys, soil testing, or the like in support of public or private projects, provided that such agreements shall be subject to review and approval by the legal department. Access to city property for purposes of conducting environmental assessment or remediation activities shall be granted pursuant to the requirements of division 2 of article XI of chapter 102 of this Code. The city manager shall develop a schedule of reasonable charges for the grant of access to city property, provided that such charges shall be waived when such access is sought by a governmental entity or by a contractor or consultant engaged in work on behalf of a governmental entity.

(c) The city manager or his or her designee may, in his or her discretion, execute

right of entry and access agreements for and on behalf of the city to secure access to private property or property owned by other governmental entities by city personnel or city contractors or consultants for the performance of required activities thereon in support of city projects or operations, provided that the compensation paid by the city for such access does not exceed \$10,000.00 and provided that such agreements shall be subject to review and approval by the legal department.

(d) The city manager or his or her designee may, in his or her discretion, execute temporary easements for construction and demolition and temporary backslope and property adjustment easements, for and on behalf of the city, to secure access to private property or property owned by other governmental entities by city personnel or city contractors as needed in support of the construction, repair, or replacement of public improvements, provided that the compensation paid by the city for each such temporary

easement does not exceed \$10,000.00 and provided that such temporary easements shall be subject to review and approval by the legal department.

(e) The city manager or his or her designee may, in his or her discretion, execute real estate documents, releasing tenant's interests, or involving other temporary property interests, including maintain vacancy agreements and rental agreements, for and on behalf of the city, in support of the construction, demolition, repair or replacement of public improvements, provided that the compensation paid by the city for such releases of interest does not exceed \$10,000.00 and provided that such documents shall be subject to review and approval by the legal department.

(f) The city manager or his or her designee may, in his or her discretion, make application and/or execute licenses, easements or agreements for the grant to the city of crossing rights for municipal utilities or facilities in

railroad rights-of-way,  
as provided in section  
476.27(2)(b) of the 2001  
Code of Iowa and in the  
rules promulgated  
pursuant thereto,  
provided that the  
compensation paid by the  
city for such rights  
does not exceed  
\$10,000.00 and provided  
that such documents  
shall be subject to  
review and approval by  
the legal department.

(g) The city manager or  
his or her designee  
shall prepare a report  
to the city council of  
the documents signed and  
property interests  
acquired and amounts  
paid for those interests  
under authority of this  
section on a quarterly  
basis.

Sec. 2. This ordinance shall be in full force and effect from  
and after its passage and publication as provided by law.

FORM APPROVED:

Emily Gould Chafa, Assistant City Attorney

Preston A. Daniels, Mayor

Attest:

I, Donna V. Boetel-Baker, City Clerk of the City of Des Moines,  
Iowa, hereby certify that the above and foregoing is a true copy  
of an ordinance (Roll Call No. 02-1417), passed by the City  
Council of said City at a meeting held June 3, 2002 signed by  
the Mayor on June 3, 2002 and published as provided by law in  
the Business Record on June 17, 2002 Authorized by Publication  
Order No. 3279.

Donna V. Boetel-Baker, City Clerk