

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