

.....
Date December 17, 2012.....

RESOLUTION SETTING DATE OF PUBLIC HEARING UPON APPLICATION OF EXECUTIVE EXPRESS TO INCREASE THE NUMBER OF LIMOUSINES OPERATED UNDER THEIR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A LIMOUSINE SERVICE IN THE CITY OF DES MOINES FROM THREE (3) LIMOUSINES TO FIVE (5) LIMOUSINES

WHEREAS, Section 126-62 of the Municipal Code of the City of Des Moines, Iowa, forbids the operation of a limousine as a vehicle for hire upon the streets of Des Moines without obtaining a Certificate of Public Convenience and Necessity; and

WHEREAS, Executive Express has filed an application with the City Traffic Engineer requesting permission of the City Council to increase the number of limousines operated under their Certificate of Public Convenience and Necessity to Operate a Limousine Service in the City of Des Moines from three (3) limousines to five (5) limousines, which application is now on file in the office of the City Clerk for public review and consideration; and

WHEREAS, upon the filing of an application for a Certificate of Public Convenience and Necessity, Section 126-64 of the Municipal Code requires the City Council to fix a time and place for a public hearing on the matter of the application to increase the number of limousines under their certificate to operate a limousine service; and

WHEREAS, Section 126-64 does require that written notice of the hearing be given to the applicant and all present holders of a certificate, if any.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

1. That the Des Moines City Council shall hear the matter of the request to increase the number of limousines operated under their Certificate of Public Convenience and Necessity from three (3) limousines to five (5) limousines at the regularly scheduled City Council meeting on January 14, 2013, in the City Council Chambers at 5:00 p.m.; and

2. That the City Clerk is directed to give written notice of the time and place of the scheduled hearing to the applicant at the following address and to all the present holders of a certificate at their addresses of record.

Larry Logeman
Executive Express
3358 Southway Drive
St. Cloud, MN 56301

★ **Roll Call Number**

Agenda Item Number

17

Date December 17, 2012

3. That any interested person, pursuant to Section 126-64, may file with the City Clerk a memorandum in support of or opposition to the issuance of the certificate.

MOVED BY _____ to adopt.

APPROVED AS TO FORM:

Steve Lussier by Mark Gelin

Steve Lussier
Assistant City Attorney

DEB

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

City Clerk

Mayor

Limousine Company Application- to Increase Fleet Size

December 06,
2012

STATEMENT: I Michael R. Berry, Traffic Facilities Administrator with the City of Des Moines Engineering Department, Traffic & Transportation Division, certify that I have prepared the preceding "Taxicab Company Application Checklist." The attached documents that have had information blocked out, if any, have had that information removed for identity theft protection of the applicant and others referenced by the applicant and to protect confidential records under Iowa Code Chapter 22. The original documents are on file in the City Traffic Engineers Office and the entire document(s) may be reviewed by anyone with the right to know, under provisions of Iowa Code Chapter 22.

Executive
Express Airport
Shuttle

Michael R. Berry dated: December 6, 2012
Michael R. Berry, Traffic Facilities Administrator, City of Des Moines

**Existing Limousine Company
Application to Increase Fleet Size**

Applicant: EXECUTIVE EXPRESS AIRPORT SHUTTLE

Marked block w/ initials indicates that the applicant has provided documentation meeting or exceeding the requirements of the Municipal Code of the City of Des Moines.

Sec. 126-62.5. Requirements for limousine service.

Each company filing an application for a limousine certificate shall meet the following minimum requirements:

- (1) Maintain a central place of business in a location properly zoned for that business and have a telephone so that any individual may request the services of the limousine company. The business shall have a listed telephone number. If vehicle maintenance and storage is provided separately from the central office, then the vehicle maintenance/storage area must also be in a location properly zoned for such activity. – *5800 Fleur Dr., Des Moines, IA 50321, 888-522-9899. Licensed limousine business in Des Moines since 2010 – Have leased counter space at DM Airport. Ames & Des Moines airport zoning statements on file.*

Sec. 126-63. Application for certificate of public convenience and necessity.

Any person seeking a certificate shall file an application with the traffic engineer. The application shall be signed by the applicant or by an officer of the applicant and verified under oath and shall contain the following information:

- (1) The name, address and age of the applicant. If the applicant is a corporation, its name, the address of its principal place of business, and the name and address of its registered agent. If the applicant is a partnership, its name, the names of general and limited partners and the address of its principal place of business. If the place of business is outside the corporate limits of the city, the applicant shall provide a statement from the governing jurisdiction that the business complies with the appropriate zoning regulations, **except that any person lawfully operating a limousine service at the time of adoption of this article shall not be required to provide such a statement.** Sole proprietorship. Executive Express Airport Shuttle, *5800 Fleur Dr., Des Moines, IA 50321, 888-522-9899.* Local agent – Jeff Ratcliff (jeff@executiveexpress.biz). Not a new applicant.
- (2) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to the judgments. If the applicant is a firm, partnership, corporation or any

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other type of business entity which has been organized for less than five years, prior to the date of application, this information shall be provided for each of the shareholders, partners, officers, or other investors of the business entity.

[REDACTED] Information on file. Fed. Tax Id #20-2446560 – Mn Tax Id #7719446

(3) The experience of the applicant in the transportation of passengers including a statement of any state or municipality where the applicant has ever been licensed to operate a taxicab or limousine service, whether such license was ever suspended or revoked and the reasons for suspension or revocation, and whether an application for a license or a renewal of a license was denied and the reasons for denial. **Company founded in 1979. Has been licensed in Des Moines since 2010. Not a new application- Request is to increase fleet size.**

(4) Any facts which the applicant believes tend to prove that public convenience and necessity requires the granting of a certificate. Demand for the services provided by Executive Express has increased this year and to meet the needs of its customers, Executive Express needs to increase its fleet size.

(5) The number of vehicles to be operated or controlled by the applicant. Currently licensed for 3. Would like to increase by additional 2 vehicles for a total of 5.

(6) The location of proposed vehicle storage. No Change

(7) [REDACTED] No Change

(8) A statement as to whether the applicant has, within the ten years immediately preceding the date of application, been convicted of, pled guilty to or stipulated to the facts of violating any criminal statute or ordinance, including traffic laws and municipal ordinances. If the applicant has been convicted, a statement as to the date and place of conviction, the nature of the offense and the punishment imposed. No Change

(9) [REDACTED] Potential for 5 vehicles during peak demand and 3 during least demand.

(10) Where the applicant will operate its central place of business. 5800 Fleur Dr., Des Moines, IA 50321, 888-522-9899 – Des Moines Airport.

(11) The color scheme or insignia, if used, to designate the vehicles of the applicant. No Change

- (12) Such further information as the traffic engineer may require of each applicant.
None.

Sec. 126-63.5. Investigation of applicant.

The police department shall review each applicant's arrest and traffic records and report the results of the investigation to the city council. Where the applicant is a corporation, the corporate officers' records shall be investigated; where a partnership, each partner's records shall be investigated. *Licensed limousine business in Des Moines since 2010.*

Sec. 126-66. Liability insurance required.

- (a) A certificate shall not be issued or continued in effect unless and until the owner of the limousine business furnishes to the traffic engineer for filing with the city clerk an insurance policy or certificate of insurance issued by an insurance company licensed to do business in the state, providing commercial general liability and automobile liability insurance coverage, or the equivalent thereof, for the limousine business with minimum limits of liability equal to any applicable limits required by the Code of Iowa, the United States Code, and/or interstate commerce commission regulation, whichever is greater. The above coverages and limits shall extend to the following on a per occurrence basis: The injury or death of any one person; the injury or death of any number of persons in one accident; damage to property in the care, custody and control of the insured but excluding property of the insured; the bodily injury or death of others resulting from negligent acts of the insured while involved in the furtherance of the limousine business. On file
- (b) The certificate of insurance referred to in this section shall provide that the insurance policy or policies have been endorsed to provide 30 days advance written notice of cancellation, non-renewal, reduction in insurance coverage or limits and ten days written notice for nonpayment by registered mail to the traffic engineer.
- (c) The cancellation or other termination of any required insurance policy shall automatically revoke and terminate the certificate and all licenses issued for the limousine business and the vehicles covered by such insurance policy(ies), unless another policy(ies), complying with this section, shall be provided and in effect at the time of such cancellation or termination. The traffic engineer shall immediately issue written notification of the revocation of said certificate and all licenses for the limousine business and the vehicles covered by such insurance which is cancelled or terminated and shall file a copy of such notice with the city council.

Sec. 126-82. Booking sheets.

- (a) Each holder shall maintain a daily booking sheet upon which are recorded all charters booked by the company each day, showing the date and time the charter was booked, the date and time of the service, place of origin and destination, number of passengers, and the amount of fare. Upon request by any law enforcement officer or any city police cadet, any driver shall present the booking sheet, or a copy thereof, showing the name(s) of the passenger(s) being picked up, and if at the airport, the flight number of the arriving passenger(s). *Licensed limousine business in Des Moines since 2010.*
- (b) Each holder shall retain and preserve all booking sheets in a safe place for at least one month following the date of the making of the record. Booking sheets shall be available to the chief of police or the traffic engineer. *Licensed limousine business in Des Moines since 2010.*
- (c) Each holder shall submit to the traffic engineer a report by January 30 of each year summarizing the activity of the previous year. The report shall contain information on number and types of complaints received including specific information on any discrimination complaints; number of passengers carried; number of trips per vehicle; age, mileage and general condition of each vehicle; tenure and turnover of drivers' and other information as required by the traffic engineer. **Has been compliant in providing these reports at years end.**



Airport Shuttle Service • Small Group Charter • Courier / Delivery • Event Transportation

Dear Mike Berry, Traffic Facilities Administrator,

Pursuant to your request for an application to increase the fleet size of Executive Express from three to five vehicles, we respectfully submit the following information as a matter of record:

Please find attached our Certificate of Liability Insurance, listing five vehicles, which is an increase from the three vehicles originally issued on our Certificate of Convenience & Necessity on March 23, 2010.

To better accommodate our increased customer base and more frequent run schedule, I respectfully request to increase our fleet size from three to five with the addition of two, 14 passenger vans of the same type and size as our original three vehicles.

There has been no change in the location of our operations. Our vehicle storage location and the vehicle service location has changed since the original application was approved by the Des Moines City Council. We are now located at the new Ames Intermodal Facility at 129 Hayward Ave., Ames, IA.

There has been no change to the applicant's criminal background or driving history.

There has been no change in ownership of the company.

This report is respectfully submitted by

Doug Foxworthy, Ames Branch Manager

doug@executiveexpress.biz

for

Larry Logeman, owner

Executive Express

larry@executiveexpress.biz

VERIFICATION
[use for a sole proprietorship]

Signature of sole proprietor: _____
[Handwritten signature]

STATE OF IOWA)
) ss:
COUNTY OF Story)

On this 4th day of December, 2012, before me, a notary public, personally appeared Brittany L Richard, who first being duly sworn, states that the *[Printed/typed name of sole proprietor]* information in the attached Application for Certificate of Public Convenience and Necessity is true and correct.

Notary Public in the State of Iowa





CERTIFICATE OF LIABILITY INSURANCE

EXECU-2 OP ID: MG

DATE (MM/DD/YYYY)
11/27/12

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THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Mahowald Insurance Agency P.O. Box 129 St. Cloud, MN 56302 John P. Mahowald, CPCU, ARM,	320-251-3751 320-251-2373	CONTACT NAME: Margi Grebinoski PHONE (A/C No. Ext): 320-257-2688 FAX (A/C No.): 320-258-1125 E-MAIL ADDRESS: m.grebinoski@mahowald.net
	INSURED Lighthouse Enterprises Inc DBA Exec Exp Airport Shuttle Etal. 3358 Southway Drive St. Cloud, MN 56301	
		INSURER(S) AFFORDING COVERAGE NAIC #
		INSURER A: Western National Mutual Ins Co 15377
		INSURER B: Zurich American Ins. Group
		INSURER C:
		INSURER D:
		INSURER E:
		INSURER F:

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY			GPP 1020800	04/01/12	04/01/13	EACH OCCURRENCE \$ 2,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person) \$ 5,000
							PERSONAL & ADV INJURY \$ 2,000,000
							GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COMP/OP AGG \$ 2,000,000
B	AUTOMOBILE LIABILITY			BAP9471022-03	10/18/12	10/18/13	COMBINED SINGLE LIMIT (Ea accident) \$ 3,000,000
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS	<input checked="" type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident) \$
	<input checked="" type="checkbox"/> HIRED AUTOS	<input checked="" type="checkbox"/> NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB						EACH OCCURRENCE \$
	EXCESS LIAB						AGGREGATE \$
	DED						RETENTION \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATUTORY LIMITS
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						OTHER
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. EACH ACCIDENT \$
							E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 City of Des Moines will rec 30 days notif in event of canc, non-rent or reduction in cov. & 10 days for nonpmt by mail to City of Des Moines Traffic Engineer. The foll vehs are in Iowa: 2001 Chrysler #2C8GP54L11R396439, 2007 Ford #1FDWE35P17DA51704, 2002 Ford #1FBSS31572HB43007, 2002 Intl Trlr #1UK600L1821038353, 2008 Chev #1GAHG39K881124889 & 2007 GMC 1GJHG39UX71166609

CERTIFICATE HOLDER DESMO13 City of Des Moines Attn: Mike Berry Traffic & Transportation Div 400 Robert D. Ray Dr. (Des Moines, IA 50309)	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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