

AGENDA ADDITIONS  
September 03, 2024 at 5:30pm  
Regular Meeting Ely City Council – City Hall, Council Chambers

1. CALL TO ORDER
  
2. ROLL CALL: Council members A.Forsman, Kess, Debeltz, Callen, Campbell, Bisbee, and Mayor Omerza
  
3. APPROVAL OF MINUTES:
  - A. (4-7) Approve minutes from the August 20, 2024 Recessed and Reconvened on August 27, 2024 Regular Council Meeting.
  
4. ADDITIONS OR OMISSIONS TO AGENDA:
  - A. Omit 9.E Development Agreement for Land Swap- City Land Survey
  - B. Addition 9.E Annual Crack Sealing of City Streets
  - C. Addition 11.E. Pay Estimate #3 for the Ely Regional Trailhead Building to Max Gray Construction, Inc for \$576,699.81.
  
5. MAYOR'S REPORT:
  
6. CONSENT AGENDA:
  
7. REQUESTS TO APPEAR:
  
8. COMMITTEE REPORTS:
  - A. Standing/Special
    - a. (8-14) Planning and Zoning Commission
      - i. Matter of Information: Planning and Zoning approved a Home Occupation Permit for on site pet boarding service that complies with Chapter 10.04 of the City Code, and each year the permit could be withdrawn if complaints are received.
      - ii. Recommendation from Planning and Zoning Commission to approve the vacation Right of Way on East 10<sup>th</sup> Street South between South 1<sup>st</sup> Ave East and South 3<sup>rd</sup> Ave E be vacated.
      - iii. (14) Recommendation from Planning and Zoning to approve the list of zoning additions designations that are currently do not have a zoning designation. (see attached list)
      - iv. Recommendation from Planning and Zoning to take the removal of "land stability" requirement in Chapter 11.41 information back to the City Attorney for more clarification.
      - v. Matter of Information: Planning and Zoning asked for Public Comment per the conditions of issue of an Interim Use Permit granted to the Ely Event Coordinator

Bureau for the annual Ely Marathon, Half-Marathon, and 5K Glow Runs, whether supportive or critical, related to the race and related festival events which took place on September 22<sup>nd</sup> and 23<sup>rd</sup>, 2023. This year's events will be held on September 20<sup>th</sup> and 21<sup>st</sup>, 2024. The Planning and Zoning Administrator received one letter in support of the events. Planning and Zoning Commission had no objections to the marathon proceeding.

- b. (15-16) Telecommunications Advisory Board (TAB)
  - i. (16) Recommendation from TAB to pay Ely Area Television \$125.00 for the additional filming in July/August, Invoice #61416.
- c. (17) Employee Relations
- d. (18-20) Ely Utilities Commission (EUC)
  - i. Recommendation from EUC to approve the purchase of 10 Holophane light fixtures at \$1,349 each, for Sheridan Street and the Trailhead. These are a replacement for the previously approved Cooper Fixtures.
  - ii. Recommendation from EUC to move forward with the next step in the EV study with CALSTART, a clean transportation – nonprofit organization.
  - iii. Recommendation from EUC to approve the \$285,296.38 payment of the EUC July Bills.
  - iv. Recommendation from EUC to approve the \$500 payment to Mick Shusta for A Operator Services.
- e. (21-33) Donald G Gardner Humanities Trust
  - i. Matter of Information: Gardner Trust will be meeting on the 2<sup>nd</sup> Thursday of the month at 5:30pm beginning in September.
- f. (34) Ely Lodging Tax Board
- g. Other Committee Meetings

9. DEPARTMENTAL REPORTS:

A. Clerk-Treasurer

- i. ~~(35) (Omitted) Development Agreement for Land Swap – City Land Survey~~
- ii. (Additions A1-A3) Annual Crack Sealing of City Streets

B. Fire Chief

C. Library Director

D. Police Chief

E. City Attorney

F. City Engineer

10.COMMUNICATIONS:

11.CLAIMS FOR PAYMENT:

- A. (36-48) City and EUC Claims for September 3, 2024 for \$320.632.46
- B. (49-53) Burntside Ridge Trail Association additional dues of \$300.
- C. (54-57) AE2S Invoice #96688 for the WWTF Improvements Project for \$1750.00 and Invoice #96977 for General Consulting Services for \$366.00.
- D. (58) SEH Invoice #471482 for the Prospector ATV Trails for \$3,960.00 – Table Invoice until we get the matching funds.
- E. (Additions A4-A6) Pay Estimate #3 for the Ely Regional Trailhead Building to Max Gray Construction, Inc for \$576,699.81.

12.OLD BUSINESS:

- A. (59-60) Committee Seats  
Park and Recreation Board  
(1 Mid-Term Seat Open – Term Expiring 1/31/2027)  
New Applicants: Resident or Non-resident  
Steven Toddie – Non-Resident

13.NEW BUSINESS:

- A. (61-62) In kind services request from the Ely Chamber of Commerce for the 2024 Harvest Moon Festival.
- B. Consider the Residential Rehab Loan application for Anthony Gornik for \$10,000 at 517 E Chapman St to reside and insulate the house pending proper paperwork and fees and to direct Attorney Klun to work with the applicant and proceed with the loan application.
- C. Consider the Residential Rehab Loan application for Kevin Aijala for \$10,000 at 45 E James St to reroof garage pending proper paperwork and fees and to direct Attorney Klun to work with the applicant and proceed with the loan application.
- D. (63-80) Consider the Community Development Block Grant (CDBG) Grant Agreement between St. Louis County and City of Ely for the Burntside Water Main Intake Project

14.OPEN FORUM:

15.ADJOURN:

**Clerk-Treasurer**  
**MEMO:**

To: City Council

From: Harold R. Langowski, P.E.

Date: 9/3/2024

Re: Annual Crack Sealing of City Streets

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As we continue to complete bituminous repair and preservation projects, we have prioritized approximately 9,000lf of crack on city streets and about 746 lf at the airport. This work is to ensure further life of the bituminous surface. Attached is a list of the roadway sections and the estimate from J and A Enterprises to complete the work for \$18,614.86

Harold

**2024 Ely Street Crack Sealing**

**Avenues for Sealing- Approximately 9,000 lf of narrow crack**

**17<sup>th</sup> Ave- Camp to Miners Drive**

**Miners Drive- 17<sup>th</sup> Ave to Pioneer**

**7<sup>th</sup> Ave E.- Pattison to Sheridan**

**4<sup>th</sup> Ave E.- Pattison to Sheridan**

**1<sup>st</sup> Ave E.- Harvey to Conan**

**2<sup>nd</sup> Ave E.- James to White- Some patching needed in one area**

**6<sup>th</sup> Ave. E.- Boundary to Pattison**

**3<sup>rd</sup> Ave. E.- Sheridan to Camp**

**Chapman Street- 4<sup>th</sup> Ave E. to 3<sup>rd</sup> Ave E.**

**Airport- 746lf Crack in Ramp and Parking lot**

**Total 9,746 lf x \$1.91= \$18,614.86**

Airport

Construction

Snowplowing

Other

# J&A Enterprises

1583 Hwy 1, Ely, MN 55731 • (218) 365-5600

Type N Date 9-3-24

Name CITY OF ELY Sold By \_\_\_\_\_

Address \_\_\_\_\_

P.O. NO.	CASH	CHECK	DIRECT CHARGE	CREDIT CARD
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QUANTITY	ITEM	PRICE	AMOUNT
1	CRACK SEAL QUOTE		
	APPROX 9746 LINEAL FT		
	PRICE PER FT	1.91	18614.86
	NO MOBILIZATION COST		

QUOTE GOOD FOR 30 DAYS

Sales Tax	EXEMPT
TOTAL →	18614.86

SIGNED James Rubbel  
LEESEE OR CUSTOMER

RECEIVED BY \_\_\_\_\_

ALL BALANCES MORE THAN 90 DAYS OLD ARE SUBJECT TO INTEREST AT THE MAXIMUM LEGAL RATE

**TO OWNER/CLIENT:**

CITY OF ELY  
209 East Chapman Street  
Ely, Minnesota 55731

**APPLICATION NO: 3**

**INVOICE NO: 3**  
**PERIOD: 08/01/24 - 08/31/24**  
**PROJECT NO: 2339-00**

**FROM CONTRACTOR:**

Max Gray Construction, Inc.  
PO Box 689  
Hibbing, Minnesota 55746-0689

**CONTRACT DATE: 11/17/2023**

**VIA ARCHITECT/ENGINEER:**

Joshua Elder (TKDA)  
11 East Superior Street, Suite 420  
Duluth, Minnesota 55802

**CONTRACT FOR: ELY REGIONAL TRAILHEAD BLDG**

**CONTRACTOR'S APPLICATION FOR PAYMENT**

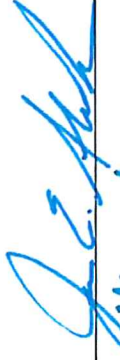
Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet is attached.

1.	Original Contract Sum	\$2,713,800.00
2.	Net change by change orders	\$0.00
3.	Contract Sum to date (Line 1 ± 2)	\$2,713,800.00
4.	Total completed and stored to date (Column G on detail sheet)	\$839,276.45
5.	Retainage:	
	a. 5.00% of completed work	\$40,878.82
	b. 5.00% of stored material	\$1,085.00
	Total retainage (Line 5a + 5b or total in column I of detail sheet)	\$41,963.82
6.	Total earned less retainage (Line 4 less Line 5 Total)	\$797,312.63
7.	Less previous certificates for payment (Line 6 from prior certificate)	\$220,612.82
8.	Current payment due:	\$576,699.81
9.	Balance to finish, including retainage (Line 3 less Line 6)	\$1,916,487.37

CHANGE ORDER SUMMARY		
	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner/Client:	\$0.00	\$0.00
Total approved this month:	\$0.00	\$0.00
Totals:	\$0.00	\$0.00
Net change by change orders:	\$0.00	

The undersigned certifies that to the best of the Contractor's knowledge, information and belief, the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work which previous Certificates for payment were issued and payments received from the Owner/Client, and that current payments shown herein is now due.

CONTRACTOR: Max Gray Construction, Inc.

By: 

Date: 8/29/24

State of: Minnesota  
County of: St. Louis

Subscribed and sworn to before me this 29th day of Aug. 2024

Notary Public: Kelly MSquires  
My commission expires: 1/31/2028



**ARCHITECT'S/ENGINEER'S CERTIFICATE FOR PAYMENT**

In accordance with the Contract Documents, based on the on-site observations and the data comprising this application, the Architect/Engineer certifies to the Owner/Client that to the best of the Architect's/Engineer's knowledge, information and belief that Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED: \$576,699.81

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to confirm the amount certified.)

**ARCHITECT/ENGINEER:**

By: 

Date: September 3, 2024

This certificate is not negotiable. The amount certified is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to the rights of the Owner/Client or Contractor under this Contract.

Document SUMMARY SHEET, APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification is attached.  
 Use Column I on Contracts where variable retainage for line items apply.

APPLICATION NUMBER: 3  
 APPLICATION DATE: 08/01/24 - 08/31/24

Contract Lines

A ITEM NO.	B BUDGET CODE	C DESCRIPTION OF WORK	D SCHEDULED VALUE	E WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G		H BALANCE TO FINISH (C - G)	I RETAINAGE
				FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD		TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)		
1		GENERAL CONDITIONS	\$185,000.00	\$18,500.00	\$27,750.00	\$0.00	\$46,250.00	25.00%	\$138,750.00	\$2,312.50
2		PERMITS BONDS INSURANCE	\$68,785.00	\$68,785.00	\$0.00	\$0.00	\$68,785.00	100.00%	\$0.00	\$3,439.25
3		SUPERVISION	\$85,000.00	\$8,500.00	\$8,500.00	\$0.00	\$17,000.00	20.00%	\$68,000.00	\$850.00
4		MOBILIZATION / DEMOBILIZATION	\$45,000.00	\$29,250.00	\$0.00	\$0.00	\$29,250.00	65.00%	\$15,750.00	\$1,462.50
5		CONCRETE	\$165,000.00	\$49,294.35	\$99,205.65	\$0.00	\$148,500.00	90.00%	\$16,500.00	\$7,425.00
6	04-2000.SUB Unit Masonry.Subcontractors	MASONRY	\$522,925.00	\$0.00	\$349,784.53	\$0.00	\$349,784.53	66.89%	\$173,140.47	\$17,489.23
7	05-1000.MAT Structural Steel Materials.Materials	STRUCTURAL STEEL	\$10,500.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$10,500.00	\$0.00
8		ROUGH CARPENTRY	\$162,000.00	\$0.00	\$40,500.00	\$0.00	\$40,500.00	25.00%	\$121,500.00	\$2,025.00
9		WOOD TRUSSES - MAT	\$40,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$40,000.00	\$0.00
10		WOOD TRUSSES - LAB	\$25,500.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$25,500.00	\$0.00
11		CASEWORK	\$61,775.00	\$2,500.00	\$0.00	\$0.00	\$2,500.00	4.05%	\$59,275.00	\$125.00
12	07-1500.SUB Dampproofing.Subcontractors	BITUMINOUS DAMPROOFING	\$22,500.00	\$14,250.00	\$0.00	\$0.00	\$14,250.00	63.33%	\$8,250.00	\$712.50
13		THERMAL INSULATION	\$119,750.00	\$0.00	\$18,000.00	\$0.00	\$18,000.00	15.03%	\$101,750.00	\$900.00
14		MODIFIED BITUMINOUS AIR BARRIER	\$26,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$26,000.00	\$0.00
15		SHINGLE ROOFING	\$67,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$67,000.00	\$0.00
16		ENGINEERED SIDING	\$120,100.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$120,100.00	\$0.00
17		DOORS FRAMES HARDWARE	\$70,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$70,000.00	\$0.00
18	08-4000.SUB Entrances & Store Fronts.Subcontractors	ALUMINUM ENTRANCES	\$76,900.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$76,900.00	\$0.00
19		GYP SYSTEMS	\$43,500.00	\$0.00	\$5,000.00	\$0.00	\$5,000.00	11.49%	\$38,500.00	\$250.00
20	09-6500.SUB Resilient Flooring.Subcontractors	CERAMIC TILE	\$13,200.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$13,200.00	\$0.00
21	09-7000.SUB Special Flooring.Subcontractors	TERRAZZO FLOORING	\$56,900.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$56,900.00	\$0.00
22	09-9000.SUB Painting.Subcontractors	INTERIOR PAINTING	\$28,045.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$28,045.00	\$0.00
23	09-5100.SUB Acoustical Ceiling.Subcontractors	LINEAR CEILINGS	\$122,125.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$122,125.00	\$0.00
24	10-4400.SUB Signs.Subcontractors	SIGNAGE	\$29,845.00	\$1,213.42	\$0.00	\$0.00	\$1,213.42	4.07%	\$28,631.58	\$60.67



DOCUMENT DETAIL SHEET

CONTINUATION SHEET

A ITEM NO.	B BUDGET CODE	C DESCRIPTION OF WORK	D SCHEDULED VALUE	E WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D + E + F)	H BALANCE TO FINISH (C - G)	I RETAINAGE
				D FROM PREVIOUS APPLICATION (D + E)	E THIS PERIOD				
25		DIV 10 SPECIALTIES	\$35,000.00	\$0.00	\$20,000.00	\$0.00	\$20,000.00	\$15,000.00	\$1,000.00
26		ENTRANCE FLOOR MATS	\$5,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5,000.00	\$0.00
27	15-1000.SUB Mechanical - HVAC.Subcontractors	PLUMBING & HVAC	\$300,450.00	\$39,931.25	\$8,231.25	\$0.00	\$48,162.50	\$252,287.50	\$2,408.12
28	16-1000.SUB Electrical - All.Subcontractors	ELECTRICAL	\$206,000.00	\$0.00	\$8,381.00	\$21,700.00	\$30,081.00	\$175,919.00	\$1,504.05
<b>TOTALS:</b>			<b>\$2,713,800.00</b>	<b>\$232,224.02</b>	<b>\$585,352.43</b>	<b>\$21,700.00</b>	<b>\$839,276.45</b>	<b>\$1,874,523.55</b>	<b>\$41,963.82</b>

Grand Totals

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	E WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D + E + F)	H BALANCE TO FINISH (C - G)	I RETAINAGE
			D FROM PREVIOUS APPLICATION (D + E)	E THIS PERIOD				
<b>GRAND TOTALS:</b>		<b>\$2,713,800.00</b>	<b>\$232,224.02</b>	<b>\$585,352.43</b>	<b>\$21,700.00</b>	<b>\$839,276.45</b>	<b>\$1,874,523.55</b>	<b>\$41,963.82</b>