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<http://www.audubonmn.govoffice2.com/>

## AUDUBON CITY COUNCIL AGENDA

Special Meeting

July 16, 2021 ~ 5:30 PM

Audubon City Hall

1. CALL TO ORDER
2. ROLL CALL
3. [224 WREN CIRCLE](#)
4. [FIRE RELIEF ASSOCIATION BYLAWS](#)
5. UTILITY BILLING CLERK POSITION
6. [VISION](#)
7. ADJOURNMENT

## 224 WREN CIRCLE

Parcel #	Supposed Owner	Physical Address	Street	Sanitary Sewer	Water	Total
470019509	Richard Curfman	224 Wren Circle	\$10,220.13		\$14,960.36	\$25,180.49
470019510	James Gottenborg	226 Wren Circle	\$10,220.13	\$8,112.72	\$14,960.36	\$33,293.21
470019511		230 Wren Circle	\$10,220.13	\$8,112.72	\$14,960.36	\$33,293.21
470019515		227 Wren Circle	\$10,220.13	\$8,112.72	\$14,960.36	\$33,293.21
470019516	Brandon Brown	225 Wren Circle	\$10,220.13		\$14,960.36	\$25,180.49
470019205	Moritz Wolbaum & Darlene Olson	123 E Swan St			\$14,960.36	\$14,960.36
470019207	James & Audrey Savig	221 Swan St			\$14,960.36	\$14,960.36
47001055	Immanuel Lutheran Church of Audubon	120 Swan St			\$14,960.36	\$14,960.36

# FIRE RELIEF ASSOCIATION BYLAWS

## Fire Relief Bylaws

### BYLAWS OF THE AUDUBON FIRE RELIEF ASSOCIATION

#### ARTICLE I - NAME

Section I - NAME. The name of the relief association shall be the Audubon Fire Relief Association.

Section 2 - PURPOSE. The purpose of the Audubon Fire Relief Association (Association) is to provide retirement relief and other benefits to its members and dependents. The Association is a governmental entity that receives and manages public money to provide retirement for individuals providing the governmental services of firefighting. All benefits issued by this Association are governed by these bylaws and federal and state laws.

#### ARTICLE II - MEMBERSHIP

Section 1 - MEMBERSHIP. All active members of the Audubon Fire Department (Fire Department) are eligible for membership in the Association. Application for membership shall be made in writing on a form supplied by the Secretary of the Association and reviewed by the Board of Trustees for compliance with federal/state statutory and plan requirements.

Section 2 - EXCLUSION. No applicant may be excluded except if the member is under eighteen years of age or has some medically determinable physical or mental impairment or condition that would constitute a predictable and unwarranted risk of imposing liability for an ancillary benefit at any age earlier than the minimum age specified for receipt of a service pension.

Section 3 - EXPULSION. Any member may be expelled from the Association for cause by a 2/3 vote of all members present at a regular or special meeting of the general membership. Cause for expulsion includes, but is not limited to, failure to account for money belonging to the association, or feigning illness or injury for the purpose of defrauding the association. The member shall have the right to a hearing before a quorum of the Board of Trustees. Written notice via registered mail will be sent to the individual at least 10 days prior to the hearing.

Section 4 - VOTING. Each member shall be entitled to one vote on any matter voted upon by the membership. Voting by proxy is not permitted. All votes, unless specified prior to the vote, shall be conducted by a voice vote. If a majority cannot be determined by voice vote, the officer in charge of the vote shall ask for a vote by secret ballot.

Section 5 - YEAR OF ACTIVE SERVICE. For purposes of computing benefits or calculating vesting requirements, a year of service shall be defined as a period of 12 full months of active service in the Fire Department. Service pension and ancillary benefits shall be prorated monthly for fractional years of service pursuant to Minn. Stat. § 424A.02, Subd. 1.

Section 6 - ACTIVE SERVICE. Active service shall be defined as the active performance of fire suppression or prevention duties or the supervision of fire suppression or prevention duties. The performance of fire suppression duties or the supervision of fire suppression duties includes responding to at least 25% of all fire calls and attending 75% of all meetings and drills. A member unable to perform the duties of a firefighter because of a temporary disability incurred in the line of duty as a firefighter shall be considered to be on active duty. If the member is unable to perform the duties of a firefighter for any other reason, the member may be considered to have a leave of absence, and the treasurer may prorate monthly that particular year of service and credit the member accordingly at the discretion of the Board of Trustees. Parts of years may be added together to compute full years. Annually, the Fire Chief shall certify to the Board of Trustees the members' active service. Excused absences will be reviewed by the Board of Trustees.

Section 7 - BREAK IN SERVICE. Any member who shall leave the district of the Audubon Fire Department (Fire Department) for a period of 60 days or more may be considered by the Board of Trustees for permanent removal from the membership, unless the member requests, in writing, within that 60 day period, a leave of absence, which could be granted by the Board of Trustees, for a period of up to one year, retroactive to the date of departure. Such member, upon returning to the performance of suppression duties, shall recommence membership in the Association and the treasurer shall prorate monthly, that year of service and credit the member accordingly.

Section 8 - MILITARY SERVICE. Subject to limitations stated in this section, a volunteer firefighter who is absent from firefighting service due to service in the uniformed services, as defined in United States Code, title 38, section 4303(13), may obtain service credit for the period of the uniformed service, not to exceed five years, unless a longer period is required under United States Code, title 38, section 4312.

(a) To be eligible for service credit under this section, the volunteer firefighter must return to firefighting service with coverage by the Association or its successor upon discharge from service in the uniformed service within the time frame required in United States Code, title 38, section 4312(e).

(b) Service credit is not authorized if the firefighter separates from uniformed service with a dishonorable or bad conduct discharge or under other than honorable conditions. Service credit is not authorized if the firefighter fails to provide notice to the Fire Department that the individual is leaving to provide service in the uniformed service, unless it is not feasible to provide that notice due to the emergency nature of the situation.

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### ARTICLE III - DUES

Section 1 - DUES. Each member of the Association shall pay dues of 0.00 dollars annually to the Association. The dues shall be placed in the General Fund.

### ARTICLE IV - MEETINGS

Section 1 - ANNUAL MEETING. The annual meeting of the Association shall be held in January of each year at a time and place specified by the Board of Trustees.

Section 2 - SPECIAL MEETINGS. Special meetings of the members may be called at any time upon the written order of the President, Secretary and one member of the board of trustees, or of 51 % members of the Association. The order shall be filed with the secretary and it shall be the Secretary's duty to give due notice of each special meeting specifying the object of said meeting, and no business shall be transacted at any special meeting except the business for which the meeting was called.

Section 3 - BOARD MEETINGS. The Board of Trustees shall meet at least 3 times during the year to discuss the investments of the Association. These meetings shall be open to any member.

Section 4 - QUORUM. A majority of the members of the Board of Trustees shall constitute a quorum for the transaction of any business at the meetings of the board and ~ majority of the members of the Association shall constitute a quorum for the transaction of any business at the annual or any special meeting of the Association.

Section 5 - NOTICE OF MEETINGS. Notice of each meeting of the Board of Trustees and each meeting of the members shall be given by the Secretary to each officer, each general trustee and to each member entitled to vote at the meeting. A notice of meetings including the date, time and location, shall be posted at city hall.

Section 6 - ORDER OF BUSINESS. All meetings of the Association shall be conducted according to Robert's Rules of Order:

1. Call to order
2. Roll call
3. Reading of minutes of previous meeting
4. Secretary's report
5. Treasurer's report
6. Committee report
7. Unfinished business
8. New business
9. Adjournment

#### ARTICLE V - OFFICERS AND TRUSTEES

Section 1 - BOARD OF TRUSTEES. It shall be the duty of the Board of Trustees to prepare modes and plans for the sale and profitable investment of the unappropriated funds of the Association and whenever investments are made, to investigate and pass upon the securities offered and to attend the drawing and execution of necessary papers. The Board shall order an audit of the books and accounts of the Secretary and the Treasurer annually, according to law, and shall submit a written report of the condition of the Association to the members at the annual meeting. The investment of the funds of the Association shall be in the exclusive control of the Board of Trustees, in conformance with state statutes, and the bylaws. The members of the board shall act as Trustees with a fiduciary obligation to the State of Minnesota, the City, and the members of the Association. The Trustees shall participate in continuing education to keep themselves abreast of their fiduciary responsibilities.

Section 2-BOARD MEMBERS. The Board of Trustees consists of nine members; six members elected by the membership and three drawn from officials of the municipality served by the Fire Department. The three municipal trustees must be one elected official and one elected or appointed municipal official both of whom must be annually designated by the municipal governing board, and the fire chief. A vacancy in a non ex officio position on the Board may be filled by the remaining members at any regular or special board meeting. The board member selected to fill the vacancy holds office only until the next special or annual meeting of the Association membership when the successor must be elected by the membership.

Section 3 - OFFICERS. The President, Secretary, and Treasurer shall be elected from among the elected trustees by the membership for 3 year terms. The election of the trustees shall be staggered. In no event shall any trustee hold more than one officer position at any one time. In no event shall any ex officio trustee hold an officer position.

Section 4 - PRESIDENT. It shall be the duty of the President to attend and preside at all meetings of the Association and the Board of Trustees. The President shall enforce the due observance of Minnesota State Statutes, the Articles of Incorporation and the Bylaws of the Association and see that the officers properly perform the duties assigned to them. The President shall sign all checks issued by the Treasurer and all other papers requiring the President's signature. The President shall be a member of all committees and shall exercise careful supervision over the affairs of the Association.

Section 5 - SECRETARY. It shall be the duty of the Secretary to keep and post a true and accurate record of the proceedings of all meetings of the Association and of the Board of Trustees. The Secretary shall keep a correct record of all amendments, alterations and additions to the bylaws in a separate book from the minute books of the Association. The Secretary shall prepare all paperwork and obtain required signatures for relief benefits due to membership and ensure benefits are distributed to the appropriate parties. The Secretary shall keep an account book in which to enter all money transactions of the Association including the dates and amounts of all receipts and the source from which derived and the dates and the amounts of all expenditures with the payee and the object. The Secretary shall keep individual files and a roll of membership, with the date of joining, resignation, discharge, retirement, dues, and retirement benefits paid. The books of the Secretary shall be at all times open to the Board of Trustees. The Secretary shall prepare and process all correspondence as needed. The Secretary shall jointly with the Treasurer prepare and file all reports and statements required by law.

Section 6 - TREASURER. It shall be the duty of the Treasurer to receive all monies belonging to the Association and hold them subject to the order of the President and the Board of Trustees. The Treasurer shall keep separate and distinct accounts of the General Fund and the Special Fund, and shall prepare and present to the Board of Trustees a full and detailed statement of the assets and liabilities of each fund separately prior to the annual meeting of the Association. The Treasurer shall deliver to the Treasurer's successor in office, or any committee appointed by the Board of Trustees to receive the same, all monies, books, papers, etc., pertaining to the Treasurer's office immediately upon the expiration of the Treasurer's office. The Treasurer shall, prior to entering upon the duties of the Treasurer's office, give a bond in an amount equal to at least 10% of the assets of the Association; however, the amount of the bond need not exceed \$500,000. Jointly with the Secretary, the Treasurer shall prepare and file all reports and statements required by law.

## ARTICLE VI - INVESTMENTS

Section 1 - STANDARD OF DILIGENCE. Trustees owe a fiduciary duty to the members of the Association who are its beneficiaries, to the taxpayers of the state who help finance the plan, and to the state of Minnesota which established the plan. The Trustees shall discharge their duties in good faith and shall exercise that degree of judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived therefrom.

Section 2 - INVESTMENT POLICY. The Board of Trustees shall investigate and prepare for the safe and profitable investment of Association funds in conformance with state statutes. The Special Fund assets of the Association shall be invested in securities that are authorized investments under Minn. Stat. §356A.06, subdivision 6 or 7. The Board shall have on file a copy of the investment policy of the Association.

Section 3 - BROKER CERTIFICATION. The Association shall provide annually to its broker a written statement of investment restrictions from the applicable state laws and the Association's investment policy. The broker must annually submit the Broker Certification form to the Association before the Association enters or continues business with the said broker.

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## ARTICLE VII - FUNDS

Section 1 - FUNDS. All money received by the Association shall be kept in two separate funds. Disbursements from the funds shall be in accordance with Minnesota Statutes and the bylaws for the Association.

Section 2 - GENERAL FUND. One fund shall be called the General Fund to which shall be credited all monies received by this Association from dues, fines, initiation fees, entertainment revenues, and other miscellaneous sources not mandated by law or these bylaws. Funds may be disbursed by the Board of Trustees for any purpose reasonably suited to the welfare of the Association and its members.

Section 3 - SPECIAL FUND. The Special Fund shall be credited with all fire state aid money received pursuant to state law, all taxes levied by or other revenues received from the municipality pursuant to state law, any money or property donated which is specified for use for the support of the Special Fund, and any interest earned upon the assets of the Special Fund. Disbursements from the Special Fund shall not be made for any purpose other than one of the following:

- (a) Payment of members' service pensions in accordance with state law and these bylaws; (b) Payment of ancillary benefits in accordance with state law and these bylaws;
- (c) Administrative expenses as authorized pursuant to Minn. Stat. §69.80, Le. office expenses, salaries of the President, Secretary or Treasurer, educational expenses of the trustees, audit and legal expenses, insurance expenses, expenses of officers related to the responsibilities as administrators of the Special Fund. All other expenses of the Association shall be paid out of the General Fund.

Section 4 - DEPOSITS. All money belonging to this Association shall be deposited to the credit of the Association in such banks, trust companies, or other depositories the Board of Trustees may designate. The Board of Trustees shall make deposits in conformance with State Statutes and the bylaws.

Section 5 - DISBURSEMENTS. No disbursement of the funds of this Association shall be made except by checks drawn by the Treasurer and countersigned by the President. Except when issued for pensions and other fixed charges, the exact amount of which has been determined by the Board of Trustees or the members, no check shall be issued until the claim to which it relates has been approved by the Board of Trustees.

Section 6 - NONASSIGNABILITY OF BENEFITS. No member entitled to a service pension or ancillary benefit from the Association may assign any service pension or ancillary benefit payments, nor shall the Association have the authority to recognize any assignment or pay over any sum which has been assigned.

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## ARTICLE VIII - APPLICATION FOR BENEFITS

Section 1 - APPLICATION. All applications for benefits shall be made in writing on forms furnished by the Secretary.

Section 2 - PROCESS. All applications for pensions shall be submitted to the Board of Trustees at a regular or special meeting of the Board. Applications shall state the age of the applicant, the period of service, the date of retirement from active duty in the Fire Department, and other information the Board may require. No benefits or pensions shall be paid until the application has been approved by a majority vote of the Board.

Section 3 - NOTICE. It shall be the duty of each member who intends to request a service pension from the Association to file a notice of intent to take distribution. Such notice shall be in writing and shall be filed with the Secretary not less than 90 days prior to the date of retirement and submission of application for service pension. Upon receipt of the notice, the Secretary shall provide to the applicant any forms or notices required by state or federal law with respect to service pension payments.

## ARTICLE IX - SERVICE PENSION BENEFITS

Section 1 - LUMP SUM SERVICE PENSION. Upon meeting the requirements in Section 2 of this Article, the Association shall pay the member the base sum for each year that the member has served as an active member of the Fire Department. The base sum for purposes of pension benefits or other benefits as allowed by the Bylaws shall be as stated in Appendix A, which is incorporated into these Bylaws by reference herein, and reduced pursuant to the partial vesting schedule as stated in Section 3 of this Article.

Section 2 - ELIGIBILITY. To be eligible to receive a service pension a member must meet all of the following requirements:

1. Have separated from active service with the Fire Department;
2. Be at least 50 years of age;
3. Have completed at least 20 years of active membership with the Association to be fully vested, and at least 5 years of active membership with the Association to be partially vested;
4. Have completed at least 20 years of active service with the Fire Department to be fully vested, and at least 5 years of active service with the Fire Department to be partially vested.

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### Section 3- PARTIAL VESTING SCHEDULE

Completed Years of Service:  
Nonforfeitable percentage of pension amount:

The City of Audubon is an Equal Opportunity Lender, Provider and Employer.



- 5-40%
- 6-44%
- 7-48%
- 8-52%
- 9-56%
- 10-60%
- 11-64%
- 12-68%
- 13-72%
- 14-76%
- 15-80%
- 16-84%
- 17-88%
- 18-92%
- 19-96%
- 20+-100%

All service pension assets must be held by the Association until the retiree reaches 50 years of age.

Section 4 - PAYMENT OPTIONS. The manner of payment of the retirement benefits shall be specified by the retiring member. Options include but are not limited to:

- (a) A single lump sum check payment payable to the retiree (subject to current income tax withholding requirements).
- (b) Lump sum payment by the Association to a recognized insurance carrier, licensed to do business in this state and approved for this product by the Commerce Commissioner under Minn. Stat. §60AAO, to purchase an annuity contract on behalf of a retiring member.
- (c) Direct transfer of the member's lump sum payment to the member's individual retirement account under §408(a) of the federal Internal Revenue Code, as provided for in Minn. Stat. § 424A.02, subd. 8b.

Section 5 - SUPPLEMENTAL BENEFIT. The Association must pay a supplemental benefit to individuals who receive a lump sum distribution of pension or retirement benefits for service performed as a volunteer firefighter at the time that the lump sum benefit is paid. The supplemental benefit is calculated as ten percent of the regular lump sum distribution, but not to exceed \$1,000.

Upon the payment of a lump sum survivor benefit to the survivor of a deceased active or deceased deferred member, a supplemental survivor benefit will be paid to the legally married surviving spouse or, if none, to the surviving child or children. The survivor

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supplemental benefit is calculated as twenty percent of the survivor benefit distribution, but not to exceed \$2,000.

## ARTICLE X - DEFERRED PENSION STATUS

Section 1 - DEFERRED PENSION ROLL. A member of the Association who is otherwise qualified for a service pension but who has not reached the age of eligibility under Article IX, Section 2 may separate from active service with the Fire Department without forfeiting the right to such service pension. Upon the application of such member, the member shall be placed on deferred status and be entitled to receive said service pension upon reaching the age

of 50 and making application for retirement. The value of the deferred pension shall be based on the pension amount per year of service in effect on the date on which the member separated from active service from the Fire Department and reduced pursuant to the partial vesting schedule as stated in Article IX, Section 3. During the time that any member is on the deferred pension roll, the member will not be eligible to receive a disability benefit. If a member dies while in deferred status, the member's deferred benefit amount will be paid to the surviving spouse, if any, and if there is no surviving spouse, to the surviving child or children, if any, and if no child or children, to the estate of such deceased member.

Section 2 - DEFERRED INTEREST. The Association shall pay 5% interest on the fully vested and partially vested deferred lump sum service pension.

#### ARTICLE XI - ANCILLARY BENEFITS

Section I - SURVIVOR BENEFIT. Upon the death of any member who has not yet separated from active service, the Association shall pay to the surviving spouse, if any, and if there is no surviving spouse, to the surviving child or children, if any, and if no child or children, to the estate of such deceased member the amount per year of service as shown in Appendix A for each year that the member served as an active firefighter in the Fire Department, without regard to minimum or partial vesting requirements, but in no case less than five times the pension amount per year of service in effect on the date of the death.

Section 2 - LIMITATIONS. Following the receipt of a lump sum survivor's benefit neither a member's surviving spouse or estate is entitled to any other or further financial relief or benefits from the Association.

Section 3 - LONG-TERM DISABILITY. If a member of the Association shall become totally and permanently disabled, to the extent that a physician or surgeon acceptable to the Board of Trustees shall certify that such disability will permanently prevent that member from performing the member's duties in the Fire Department, the Association shall pay the amount per year of service as shown in Appendix A for each year that the member served as an active firefighter in the Fire Department, without regard to minimum or partial vesting requirements. The member shall be eligible to receive the disability benefit immediately upon approval of the Board of Trustees.

#### ARTICLE XII - AMENDMENTS

If the Special Fund of the Association has a deficit, that is, it does not have a surplus over full funding pursuant to Minn. Stat. §69.772, subd. 3 (2)(e), or if the City is required to provide financial support to the Special Fund of the Association pursuant to Minn. Stat. §69.772, the adoption of any amendment to the bylaws of the Association which increases or otherwise affects the retirement coverage provided by or retirement benefits payable from the Special Fund of the Association shall not be effective until it is ratified by the City Council of the City, and the officers of the Association shall not seek City ratification prior to preparing and certifying an estimate of the expected increase in the accrued liability and annual accruing liability of the Association attributable to the amendment.

If the Special Fund of the Association has a surplus over full funding pursuant to Minn. Stat. §69.772, subd. 3, (2)(e), and if the City is not required to provide financial support to the Special Fund of the Association pursuant to Minn. Stat. §69.772, the Association may adopt or amend its bylaws of the Association which increases or otherwise affects the retirement coverage provided by or service pensions payable from the Special Fund of the Association, which shall be effective without ratification by the City Council so long as this does not cause the amount of the resulting increase in the accrued liability of the Special Fund of the Association to exceed 90 percent of the amount of the prior surplus over full funding, and this does not result in the financial requirements of the Special Fund of the

Association exceeding the expected amount of the future state fire aid to be received by the Association as determined by the board of trustees following the preparation of an estimate of the expected increase in the accrued liability and annual accruing liability of the Association attributable to the change.

If the Association adopts or amends its bylaws without city ratification pursuant to Minn. Stat. §69.772, and, subsequent to the amendment or adoption, the financial requirements of the Special Fund of the Association pursuant to Minn. Stat. §69. 772 are such so as to require financial support from the City, the provision which was implemented without city ratification shall no longer be effective without city ratification and any service pensions or ancillary benefits payable after that date shall be paid only in accordance with the bylaws as amended or adopted with city ratification.

Amendments to the bylaws, other than those amendments which increase or otherwise affect the retirement coverage, may be adopted at any regular or special meeting of the Association with a favorable vote of 2/3 of the members present and voting, provided a quorum is present, and provided further, notice of any proposed amendment or amendments shall be given by reading at a regular or special meeting not more than 31 days preceding the date on which the amendment is to be acted upon, and that a notice is

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mailed to each member at the member's last known address at least 10 days prior to the scheduled date of the meeting. These bylaws of the Audubon Fire Relief Association an hereby adopted and approved by the members on this:

date: \_\_\_\_\_ --  
President

date: \_\_\_\_\_  
Secretary

date: \_\_\_\_\_  
Treasurer

**BASE SUM AMOUNT**

**\$2,300**

APPENDIX A - BASE SUM

**EFFECTIVE DATE**

**DATE APPROVED BY CITY**

Section 5 - YEAR OF ACTIVE SERVICE. For purposes of computing benefits or calculating vesting requirements, a year of service shall be defined as a period of 12 full months of active service in the Fire Department. Service pension and ancillary benefits shall be prorated monthly for fractional years of service pursuant to Minn. Stat. § 424A.02, Subd. 1.

**FOR PURPOSES OF CALCULATING PENSION INCREASES**

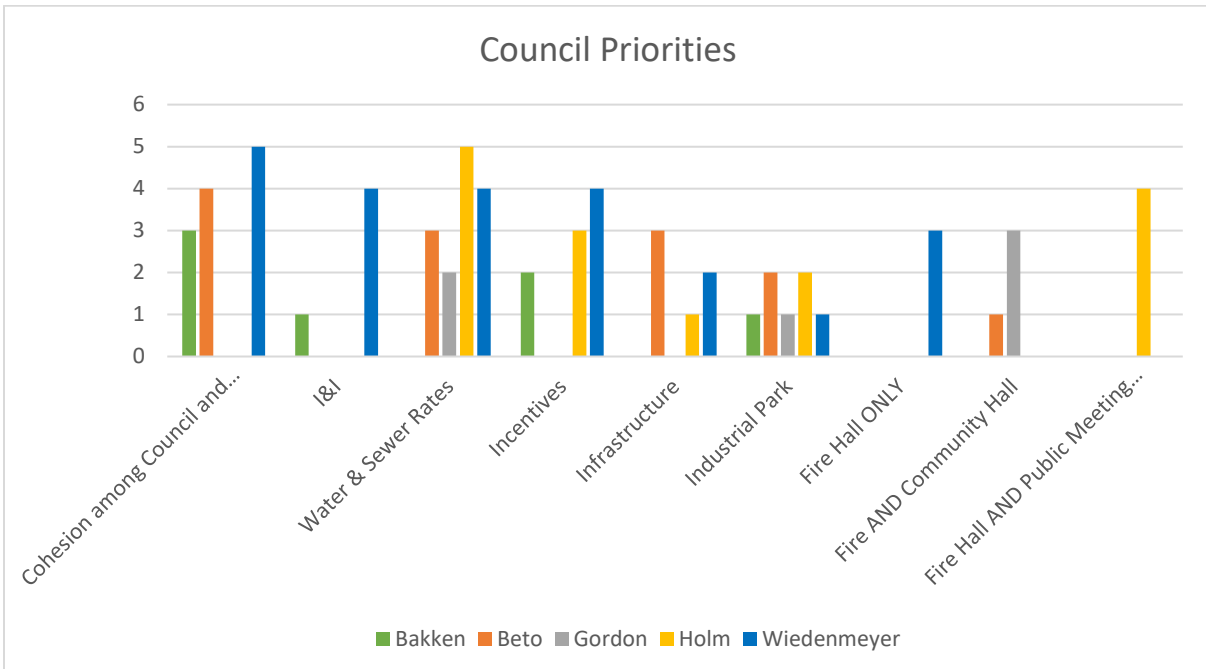
Increases in the annual pension shall be calculated as follows:

Relief Association assets/liability

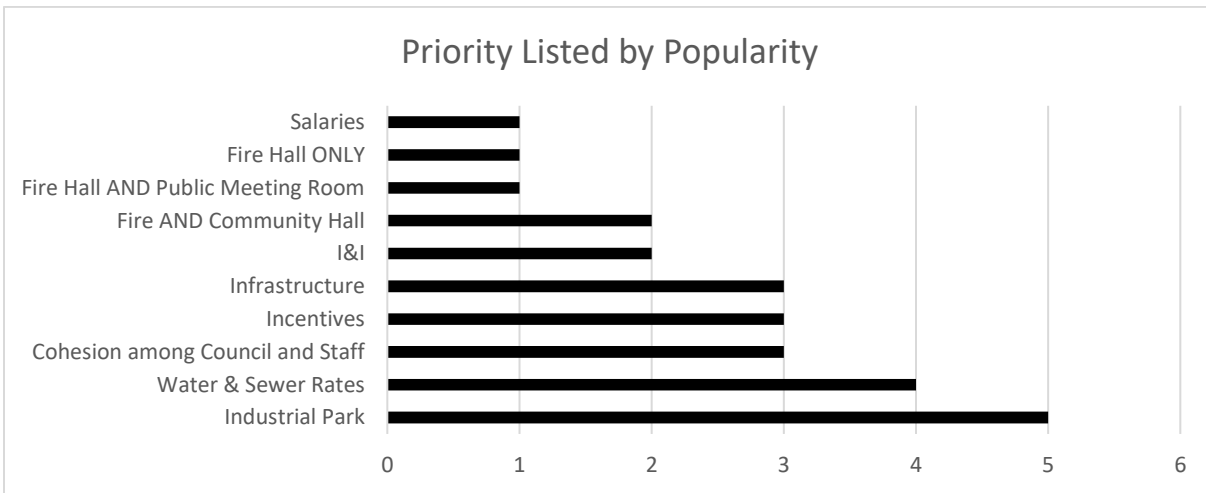
Assets shall be calculated from the reporting forms reporting the prior year ending assets of the retirement fund.

Liabilities shall be calculated by adding the total years of service for all members x pension amount + all deferred liabilities to the current years end.

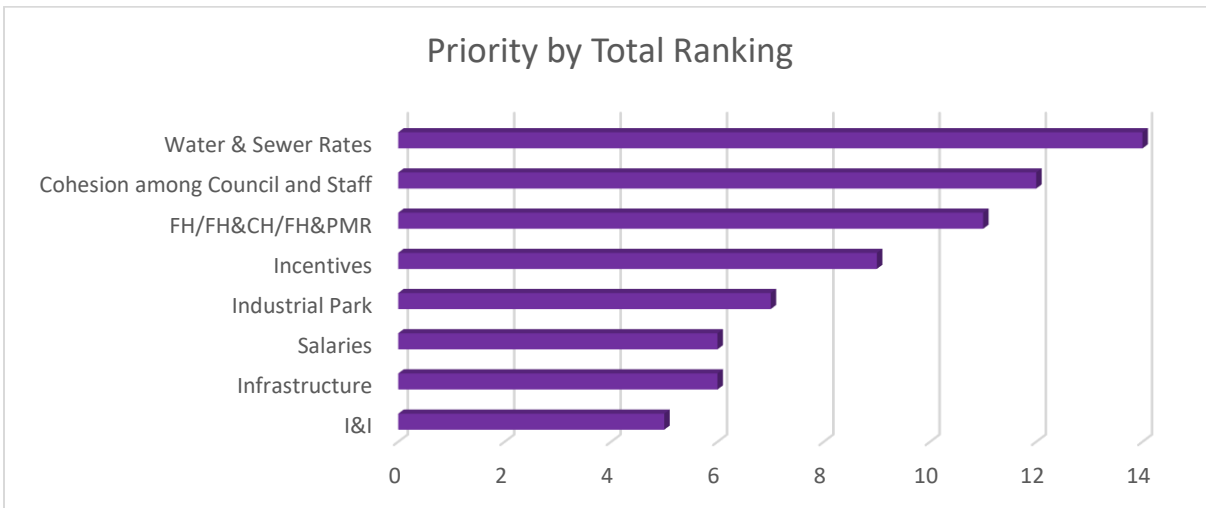
# VISION



The top priority has the highest number. If a Council Member had 5 items on the list, their top priority is valued at 5. If they only had 3 their top priority is valued at 3.



Priority listed by the number of Council Member's selecting each priority.



Priority listed by the total values of each Council Member's ranking from highest to lowest.