

TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA
MINUTES OF THE TOWN COUNCIL

May 4, 2021

Public Meeting Advertised for 7:00 PM
Conducted at the Cedar Lake Town Hall
Pledge of Allegiance & Moment of Silence



Roll Call:

Present	Robert H. Carnahan Council Member	Ward 1	Present	Colleen Schieben Council Member	Ward 6
Present	John Foreman Council Member	Ward 2	Present	Richard Sharpe Council Member	Ward 7
Present	Julie Rivera Council Member	Ward 3	Present	Jennifer N. Sandberg, IAMC Clerk-Treasurer	
Present	Ralph Miller Council Member	Ward 4	Present	Rick Eberly Town Manager	
Present	Randell Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

President Niemeyer noted changes to the order of the agenda. Public comment on agenda items would occur after the presentation. After that, New Business Item #1, CBBEL Agreement, will be considered. They will also move up Item #1, Animal Control JICA with Lake County to after the Consent Agenda.

PRESENTATION – Cedar Lake Eco-Restoration Project – Jedd Anderson, CBBEL

A copy of Mr. Anderson’s presentation can be found on the Town’s website at [2021 Cedar Lake Restoration Dredging – Town of Cedar Lake \(cedarlakein.org\)](https://cedarlakein.org/2021/Cedar-Lake-Restoration-Dredging-Town-of-Cedar-Lake).

Jedd Anderson with Christopher B. Burke Engineering introduced himself as the project manager on the Cedar Lake Eco-Restoration Project. He went over the activities of Phase I of the project. They evaluated the lake, including sediment samples, depths evaluations and a bathymetric survey. He shared a map that identified the areas to be dredged and the depth of sediment. He explained the approximate dredge quantities. The plan is for a total dredge of 350,000 cubic yards over a three-year period. He explained the planned sediment dewatering facility and the effluent discharge back to the lake. The budget for the restoration project is approximately \$5.5 million and includes the following: design and permitting, construction of sediment dewatering facility, and construction of new pipe-sleeve through CSX railroad embankment for the slurry pipe. It also includes replacement of a pipe and repair of the pond outlet within Lake County Parks property, dredging of the lake and management of the sediment dewatering facility and deconstruction and restoration of sediment dewatering facility and pipeline route. Mr. Anderson discussed the anticipated schedule. They have ten months budgeted for design and permitting. IDNR prefers that dredging doesn’t begin until after the 4th of July weekend. He explained when they are done with the dredging there will still be organic sediments in the deeper parts of the lake. There may be the desire to do an alum treatment at that time. That is a chemical that blocks the phosphorus in the sediments. The Indiana Department of Natural Resources is very interested in doing a fish restoration project. They need to know as soon as possible because it takes two years to raise the fish. They would pay all of the cost of the fish restoration project. This would need to occur after the alum treatment. Mr. Anderson discussed the major upcoming tasks which include a topographic survey, geotechnical borings, field tile survey, and water quality testing. Mr. Anderson explained the various permits and approvals as well as the agencies that require coordination.

Council Member Foreman introduced the project working committee. He thanked everyone for their help and diligence to the project. He discussed the important work of prior Council members and CLEA members and the initial dollars that were raised and helped fund smaller lake projects over the years. He discussed years of meetings with engineers and the army corps as well as meetings with local and state officials. He continued to thank everyone for their ideas and hard work over the years that has gotten them to this point in the project. President Niemeyer stated this meeting is different because this project has now been taken over locally. He thanked the community for their support. It’s because of them that the project and funding is even possible. He stated \$5.5 million is what the financial consultant has determined the Town has the bond capacity for. He discussed sustainability within the community. Bob Gross, with CLEA, expressed his excitement for this discussion. CLEA is a non-profit group that raises funds for various lake projects. They will be setting up a go-fund me to continue fundraising efforts for the project. He hopes to grow their funds so they can grow the project. They currently have about \$200,000 in the bank and they’ll continue to raise whatever they can to help with the project. Mr. Niemeyer discussed taking an aggressive and focused approach to the project. It’s important to get it done. A lengthy discussion continued with input from Senator Niemeyer, Representative Aylesworth, Lake County Councilman Jorgensen, and Lake County Commissioner Tippy. They each expressed their excitement for the project and pledged their support. Mr. Jorgensen

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discussed a possible collaboration with the Lake County Surveyor and use of the American Rescue Plan funds to help with the project. A brief discussion continued.

PUBLIC COMMENT

Claudia Carlson expressed her excitement for the project. She discussed the vision of many founding folks, like Dr. King, that have served on previous projects and kept the moment for the lake project going. Mr. Foreman concurred. He expressed his gratitude for the founding members. A brief discussion occurred on the lake. Mr. Niemeyer asked for the Town Manager to share CLEA's Go Fund Me information on the Town's website.

Mr. Austgen discussed previous Town Board members when the sewers went in. He discussed the history of what has happened from then until now. He stated this is really a final clean-up of the lake. A brief discussion continued on commitment to the project.

NEW BUSINESS

1. CBBEL Agreement – Cedar Lake Eco-Restoration Project Phase 2 Proposal

President Niemeyer introduced the item for consideration. He discussed the milestone dates as presented below.

ANTICIPATED SCHEDULE

Milestone Date	Item
3/1/2021	Notice to Proceed
3/15/2021	Kick-off Meeting - Town
4/15/2021	Initial Agency/Stakeholder Meetings
6/15/2021	PreFinal Submittal
9/15/2021	Final Submittal
11/15/2021	Receive All Permits
11/22/2021	Bid Set Submittal
1/17/2022	Open Bids
2/17/2022	Award
3/21/2022	Begin Construction

President Niemeyer stated the engineering proposal with the sixteen tasks listed is in an amount of \$387,513. He asked for a motion.

A motion to approve the agreement as submitted was made by Ralph Miller. A second was made by John Foreman. Mr. Carnahan commented that he served on the CLEA Board and went to many meetings and dinners. He discussed his efforts towards the lake project. He voiced his disagreement with the Army Corps plans. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0. A brief discussion continued on the lake project.

CONSENT AGENDA

1. Minutes: April 20, 2021

2. Use and Fee Waiver Requests:

- a. Cub Scout Pack 129 – requesting a use and waiver fee of Town Grounds to camp overnight from June 4, 6 p.m. – June 5, 1 p.m. (Note: They did not use their waiver last year due to Covid restrictions.)
- b. Gary Shakespeare Company Free Midnight Summer’s Dream Show – Bandstand August 14, 2021. (Note: They did not use their waiver last year due to Covid restrictions.)

3. Claims: All Town Funds: \$177,521.57; Wastewater Operating: \$124,329.73; Water Utility: \$24,741.80; Storm Water: \$15,109.62; and Payroll: April 29, 2021: \$224,576.93;

A motion to accept and waive the reading of the Minutes, accept the Consent Agenda as listed was made by Richard Sharpe with second by Colleen Schieben. Mr. Carnahan commented on the claims and the PSAP invoice. Mr. Carnahan asked if the Town is still paying on the back bill. Clerk-Treasurer Sandberg stated yes. The back bill is being repaid through the end of this year. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

NEW BUSINESS

1. Animal Control JICA with Lake County

Council Member Rivera discussed the Town not having its own animal control. She stated they constantly hear from residents on the strays running around and no service to take care of it. People use Facebook to find pet owners. They don't have a current

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agreement with Animal Control at Lake County. John Cantrell, attorney for Lake County Sheriff's Department and Animal Control, stated in the past Cedar Lake has used their services. He stated they are a no kill shelter and take in approximately 800 animals annually. They do what is necessary to take care of the animals received. He stated the biggest difference from past agreements is this one includes the Town being responsible for additional veterinary bills. Most of the necessary care is done in house. The director of animal control spoke a little about what they do. He discussed the types of animals they receive and the type of care that is sometimes required. Mr. Carnahan asked how many years the director has been there. She answered two years. Mrs. Rivera asked how many municipalities they are contracted with. The director stated Cedar Lake, Lowell, Schneider, and Crown Point are without their own animal control departments. Mr. Cantrell stated the only difference in the contract from the past and now, is the removal of a limit on veterinary care. He discussed the ability for the department to do so much more in house. Mr. Niemeyer asked Mr. Cantrell about situations with transporting of animals. He asked if the Town would be open to a tort claim or liable for any issues that may arise during transit. Mr. Cantrell stated they require animals to be brought to them. But if a private vehicle, private citizen, that is at their own risk. He doesn't believe the Town would have any liability. A brief discussion continued.

Mr. Tippy asked if Lake County Animal Control would notify Cedar Lake before any additional monies are spent at the vet. He asked would Cedar Lake be involved in the decision making. It was answered no. A very lengthy discussion occurred. Mr. Niemeyer stated they can't enter into a contract until they have a resolution. He stated a motion could be made to direct that resolution drafting. Chief Fisher added they have a problem in the community. They have nowhere to take dogs. He knows it is difficult due to the potential costs. He stated he did some research. The most the Town spent in the past was approximately \$1,800 over a quarter.

A motion to direct the drafting of the resolution for the animal control contract was made by Julie Rivera with second by John Foreman. Mr. Austgen asked if there was any other information the Council wants or needs. Mr. Miller stated he wanted someone to talk to Hanover Vet. Mr. Niemeyer stated they would still need a way to intake the animals. A brief discussion continued on the terms of the contract. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – No, Schieben – No, Sharpe – No, Niemeyer – Yes. Vote: 4 - 3.

ORDINANCES & RESOLUTIONS

1. Ordinance No. 1381 – Public Way Vacation Second Reading – Vis
Council Member Sharpe read by title only.

A motion to adopt Ordinance No. 1381 was made by John Foreman with second by Julie Rivera. Roll call vote: Carnahan – No, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 6 - 1.

2. Ordinance No. 1384 – Salary Ordinance Amendment

Council Member Sharpe read by title only. Clerk-Treasurer Sandberg explained this amendment includes the addition of the Unsafe Building Authority appointment to the 2021 Salary Ordinance. It was previously an unpaid appointment. It is in an amount not to exceed \$103 per meeting. It will be paid 100% out of the General Fund. Mr. Niemeyer discussed this position as being the only unpaid citizen appointment to a board or commission.

A motion to approve Ordinance No. 1384 was made by John Foreman with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

A motion to suspend the rules and allow for a second reading was made by John Foreman with second by Colleen Schieben. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

Council Member Sharpe read Ordinance No. 1384 by title only.

A motion to adopt Ordinance No. 1384 was made by Julie Rivera with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

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3. Ordinance No. 1385 – Amending Ordinance No. 1161, Rules and Regulations for the Water Utility to Establish and Prescribe Water Sprinkling Usage Regulations

Council Member Sharpe read by title only. Mr. Eberly stated this ordinance would regulate the water usage as indicated in the description. It would be for residents with even number addresses that are on the Town's water system, not citizens with private wells, to sprinkle their lawns, wash vehicles, fill swimming pools on Mondays, Wednesdays and Fridays. Those with odd number addresses would be allowed the same on Tuesdays, Thursdays, and Saturdays. Staff has had some discussion on the ordinance and would recommend they approve the ordinance on first reading but there are some minor changes they would like to see made. They will have those prepared for the next meeting for a second reading. Mr. Niemeyer stated some of those changes may include eliminating that off day. As a way to make sure that when folks are home on the weekend, they are able to do what they want to with their lawns. Mr. Eberly concurred. The ordinance as currently written prohibits any usage on Sundays. It is recommended to write the ordinance to make sure that Sundays are available for all.

A motion to approve Ordinance No.1385 with the amendments as mentioned by the Town Manager was made by John Foreman with second by Colleen Schieben. Mr. Austgen explained the comments will be inserted into the ordinance for a second reading in two weeks. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

4. Resolution No. 1280 – Lake County Multi Hazard Mitigation Plan

Council Member Sharpe read by title only. Mr. Eberly explained this same action occurred in 2010. The Town adopted Lake County's multi hazard mitigation plan. Lake County has updated their plan. The Town needs to follow through with adopting it by resolution. This makes the Town eligible for some state and federal funding to address some hazards, particularly storm water related. They must have a plan in order to be a part of those programs. The Town doesn't need one of their own. They can utilize the County's. It saves time and expense of the Town doing one on their own.

A motion to approve Resolution No. 1280 was made by Julie Rivera with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

BZA

1. Rose Garden Estates Water Main Extension

Mr. Eberly stated they have been working on this item for a while. This is for a twelve-inch water main connection between Rose Gardens and Lynns way. The year before there was a strip of land between the two subdivisions that didn't allow for the looping. Mr. Eberly thanked Mr. Austgen for working on this. He discussed the necessary signatures needed.

A motion to approve as presented was made by Colleen Schieben with second by Ralph Miller. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

**2. Variance of Use – 7105 W 133rd Place – Petitioner, Douglas G. Machalk
Variance to allow a private auto detail shop, a B-3 Use, in a B-1 Zoning District**

Mr. Eberly explained Mr. Machalk wants to operate a private auto detail shop in a B-1 Zoning District. It received a favorable recommendation from the BZA.

A motion to approve the Variance of Use was made by Colleen Schieben with second by Julie Rivera. Mr. Niemeyer asked if there were any findings of fact or contingencies. Mr. Austgen stated there were. Mr. Eberly stated it is the last two pages within their packet. Mr. Niemeyer asked if Mrs. Schieben would include the findings of fact in her motion. She stated yes. Mrs. Rivera concurred. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

**3. Variance of Use – 9843 Lincoln Plaza Way – Petitioner Ginnie Lange
Variance to allow two businesses, Focus Nutrition and Ginnie Lange Photography, on one lot in a PUD Zoning District**

Mr. Eberly explained this Variance of Use also received a unanimous recommendation from the BZA. It is before them for their final consideration. Mr. Carnahan asked about a concern with the exits. Chief Wilkening stated they did have a concern but checked it out and everything is in order.

A motion to approve the Variance of Use was made by John Foreman with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller –

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Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0. Ginnie Lange, owner, asked a question about the address. She believes it to be 9839 Lincoln Plaza Way. Mr. Niemeyer stated they would update it so the record would reflect the proper address. He asked Mr. Eberly to make sure the record is correct.

NEW BUSINESS

- 1. Lynnsway ADA Repairs**
 - a. Notice of Award**
 - b. Contract Approval**
 - c. Notice to Proceed**

Mr. Eberly explained this is the curb and sidewalk handicap accessibility project in Lynnsway. He clarified this project is utilizing the previous CDBG funds that were given. This is not using the funds that were approved two weeks ago. That will be a different curb and sidewalk replacement project. For this project, they have approximately \$76,000 left in the CDBG money and the contract is for \$77,093. CDBG will pay up to the amount available. Mr. Eberly explained they have three things in front of them. The Notice of Award and the Notice to Proceed require the Council President's signature. The contract requires all of Council to sign. Mr. Niemeyer stated this included Christopher B. Burke Engineering and Milestone Contractors North.

A motion to approve the notice of award, contract approval, and notice to proceed was made by John Foreman with second by Julie Rivera. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

- 2. CCR Water Report Discussion**

Mr. Kubiak stated the CCR reports for both the east side and west side water systems are ready. He reminded them in 2019 there was one test missed. That item became an issue with IDEM. It was corrected immediately. He stated they made a request to review the reports prior to them being sent to the residents. Mr. Niemeyer asked if Mr. Simstad had reviewed the reports. Mr. Kubiak stated he had. These reports need to be sent out by June 1st. Mr. Carnahan asked if they were in compliance. Mr. Kubiak stated they are. IDEM keeps reviewing and checking but everything is up to date. A brief discussion continued.

REPORTS

- 1. Town Council -** Mr. Carnahan stated the Cedar Lake Chamber will have a luncheon on May 17th. The keynote speaker is Town Manager Rick Eberly. It will be at Harry O's Restaurant. The cost is \$20 per person. Mr. Miller stated he's gotten some questions about the newsletter. It was supposed to go to quarterly and residents are saying they haven't received one. Clerk-Treasurer Sandberg explained the newsletter was previously handled by the Town Administrator and he administrative assistant. Moving forward would be at the discretion of the Council and who they wish to have in charge of the newsletter. Mr. Foreman asked if Mr. Eberly could handle that. Mr. Eberly answered in the affirmative. He asked if it was an electronic format. Mr. Niemeyer stated it was a paper newsletter that was distributed. Mr. Eberly asked about the content of the newsletter. A brief discussion continued. Mr. Miller asked Clerk-Treasurer Sandberg if this was something they'd be able to go back to doing monthly. Ms. Sandberg stated not for this year due to the cost of production. They could look into it next year. Mr. Carnahan asked about making it electronic. Ms. Sandberg stated that would be something for them to discuss. Mr. Foreman stated they had a great street meeting. Mr. Eberly stated they have many areas around Town identified. They'll have to see what local funds are available. Mr. Niemeyer stated they had a Council Affairs meeting with Chief Wilkening to discuss raises for the Fire Department with the elimination of the additional hire this year. They would spread the budgeted money throughout the department. He stated there will be an action item July 1st. He discussed the turnover within the department and the lack of hires in any business at the moment. A brief discussion continued.
- 2. Town Attorney -** No report.
- 3. Clerk-Treasurer -** No report.
- 4. Town Manager -** Mr. Eberly stated they were successful in getting the Community Crossing Matching Grant Funds for the Fairbanks Road project. That was the smaller of the two projects they applied for but they were able to get it.
- 5. Director of Operations -** Mr. Kubiak stated Always Underground was out patching areas of the roads that were previously torn up. They did a good job repairing the areas.
- 6. Police Department -** Chief Fisher discussed the elimination of the Code Enforcement position. He discussed a brief meeting with President Niemeyer about if he could find the stuff, he needed to bring it to them in a public forum. In doing research, he found that his budget has a couple of lines that were overfunded. Not by any means of the Police Department or the Clerk's office, but it is overfunded in the FICA/Med line item because

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Police doesn't pay into Social Security. There are additional funds available. This will actually help the Clerk with some things the Council needs as well. Chief Fisher stated he needs about \$14,000-\$16,000 for the part-time code enforcement to finish the remainder of the year. They can revisit putting the position back within his budget for the continuing years. Since last year, she has issued over 600 tickets and warnings. They have seven citations ready to go to court this month. It is a part-time position. She usually only works 20 hours a week on average. She handles a lot of the things they receive complaints on such as pool fences, sump pumps on the sidewalk, etc. He stated he knows it is a sore subject with some of them but he asked them to consider bringing her back and allow those funds to be transferred. Mr. Niemeyer asked for an agenda item to be prepared for the next meeting. He would like to see all the financial data. Chief Fisher stated for the 2021 budget they previously approved for the hire of two new officers. One to replace a retiree and the other is a new hire to begin halfway through the year. He wanted to ensure that it is okay to move forward with those hires. The paperwork takes approximately one month. Mr. Niemeyer stated since they adopted the budget and that was included, he would say to move forward. Mr. Foreman asked Clerk-Treasurer Sandberg if it was a go. She stated it was. A brief discussion continued.

7. Fire Department - Chief Wilkening stated in looking at part-time people, the industry is paying paramedics quite a bit more. Four of his part-timers work at BP Amoco making \$45 an hour to do temperature checks. He stated the scope of work for the fire station was sent to Mr. Austgen for review. He's looking for approval. The RDC did approve an additional \$40,000 for the project. Mr. Austgen stated this is a unique project. Fire station improvements and housing quarters and title five permits a specialty contract be entered into. He didn't get a chance to review the contract but stated he would. Any motion would include pending attorney review. A motion to amend the agenda to allow for consideration was made by Ralph Miller with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

A motion to approve the contract with Henn and Sons for specialty and critical improvements to the Fire Station in an amount not to exceed \$140,000, subject to legal review, was made by Colleen Schieben with second by Richard Sharpe. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0. Chief Wilkening stated they would see a July start on the project.

WRITTEN COMMUNICATION

1. Building Department Report
2. Christopher B. Burke Report

PUBLIC COMMENT

Tracy Haskell, Cedar Lake Summerfest Parade Chair, discussed the parade happening on Saturday, July 3rd. They have participation forms available. Anyone can participate. They ask that no walkers start until over by the Dairy Belle.

Gentleman, 13405 Hickory Street, voiced concerns with his neighbors having a bonfire every day of every weekend. He stated he's not against recreational fires. He continued to voice concerns due to the fires. He was told to call 911 about it. He doesn't want to do that but would like to see some control. Chief Wilkening stated they can't enforce it if they don't call. He stated he would speak to Chief Fisher about the issue.

ADJOURNMENT President Niemeyer called the meeting to adjournment at approximately 8:55 PM.

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COUNCIL OF THE CIVIL TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA

Randell Niemeyer, President, Ward 5

Richard Sharpe, Vice President, Ward 7

Robert H. Carnahan, Ward 1

John Foreman, Ward 2

Julie Rivera, Ward 3

Ralph Miller, Ward 4

ATTEST:

Colleen Schieben, Ward 6

Jennifer N. Sandberg, IAMC
Clerk-Treasurer

The Minutes of the Cedar Lake Town Council are transcribed pursuant to IC 5-14-1.5-4(b), which states:

- (b) As the meeting progresses, the following *memoranda* shall be kept:
- (1) The date, time and place of the meeting.
 - (2) The members of the governing body recorded as either present or absent.
 - (3) The general substance of all matters proposed, discussed, or decided.
 - (4) A record of all votes taken, by individual members if there is a roll call.
 - (5) Any additional information required under IC 5-1.5-2-2.5.