

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



December 21, 2021

Public Meeting Advertised for 6:30 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	

*\*Present via Zoom*

**ELECTION OF OFFICERS and APPOINTMENTS for 2022**

**1. Nomination and Appointment of 2022 Town Council Officers**

President Niemeyer opened the floor for nominations for the 2022 Town Council Officers. Mr. Foreman nominated Randy Niemeyer as President. A second was made by Mrs. Rivera. No other nominations were made. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

President Niemeyer called for nominations for Vice-President. Mrs. Schieben nominated John Foreman. No second was made. Mr. Miller nominated Richard Sharpe. A second was made by John Foreman. No other nominations were made. Mr. Niemeyer noted the roll call vote would be for the motion made to nominate Mr. Sharpe as Vice-President. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

**2. Town Council Liaison and Committee Member Appointments**

Mr. Niemeyer discussed the Town Council Liaison and Committee Member Appointments. He read the liaison and committee list into the record.

Redevelopment Commission: Robert Carnahan  
Plan Commission: Robert Carnahan, Richard Sharpe, John Foreman  
Board of Safety Commission: Ralph Miller  
Unsafe Building: Richard Sharpe  
Stormwater Management Board: Robert Carnahan  
Joint Management Oversight Board (JMOB): Ralph Miller, Richard Sharpe  
Northwest Indiana Regional Planning Commission: Robert Carnahan  
Lake County Solid Waste: Robert Carnahan  
South Lake County Community Services: Robert Carnahan

Ecosystem Restoration Committee: John Foreman, Ralph Miller, Julie Rivera  
Public Works & Safety Committee: Ralph Miller, Julie Rivera, Randy Niemeyer  
Park & Recreation: Colleen Schieben, Richard Sharpe, Ralph Miller  
Council Affairs Committee: Randy Niemeyer, Richard Sharpe, Ralph Miller  
Street Committee: Robert Carnahan, John Foreman, Richard Sharpe  
Planning Committee: John Foreman, Robert Carnahan, Richard Sharpe

A motion to approve the list as read was made by Colleen Schieben 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.

**3. Appointments to Boards and Commissions**

Mr. Niemeyer discussed the citizen appointments to the boards and commissions. He read the list into the record.

Board of Safety: Josh Govert, David Villalobos  
Board of Zoning Appeals: Ray Jackson  
Park Board: Paul Rodriguez, Sarah Miller *\*Two more appointments necessary*  
Plan Commission: John Kiepora, Jerry Wilkening  
Redevelopment Commission: Nathan Vis, Eric Burnham, Greg Park, Doug Spencer, Randy Niemeyer  
Storm Water Board: *No candidates*

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Council Appointment to BZA: Jerry Wilkening

A motion to approve the appointments and list as read was made by John Foreman with second by Colleen Schieben. Mr. Niemeyer stated he had conversations about finding the political balance necessary for the remaining open appointments. The Park Board appointees this evening are both registered republicans. The remaining two appointments must be two independents or two democrats or one of each. For the open spots with the Storm Board the political affiliation can be any because the current sitting member is an independent. Mr. Foreman stated he spoke to Pat Conlon who applied for the Plan Commission and Mr. Conlon is willing to serve on the Storm Board. Mr. Foreman amended his motion to include the appointment of Pat Conlon to the Storm Board. Mrs. Schieben concurred with the motion. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

**PUBLIC COMMENT** (*on agenda items*): None

**CONSENT AGENDA**

**1. Town Grounds (Beach, Lion's Den, and Restrooms):**

a. Moto on Ice (January 1-2, 8-9, 22-23, and February and March 5-6, 12-13, 19-20, 26-27, weather permitting. Note: Saturday day is set up and Sunday is the event)

b. Hanover School Education Foundation Annual Penguin Plop (March 5, 2021)

**2. Claims:** All Town Funds: \$394,558.82; Wastewater Operating: \$106,818.02; Water Utility: \$88,607.37; Storm Water: \$136,514.22; Payroll: 12/9/21- \$312,704.42; and November Payroll Remittances: \$161,746.52

**3. Manual Journal Entries:** November 1 – 30, 2021

**4. Donations:** EnviroFab, Materials and Labor for Gear Racks at Fire Department, approximate value of \$3500

**5. 2022 Conflict of Interest:** John Foreman, Tim Kubiak, Doug Machalk, Margo Nagy, and Cliff Wroe

A motion to accept and waive the reading of the minutes and accept the consent agenda as listed was made by Ralph Miller with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

**ORDINANCES & RESOLUTIONS**

**1. Ordinance No. 1406: Job Description Amendments**

Council Member Sharpe read Ordinance No. 1406 by title only.

A motion to approve the first reading of Ordinance No. 1406 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.

A motion to suspend the rules and allow for a second reading 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.

Council Member Sharpe read Ordinance No. 1406 by title only.

A motion to adopt Ordinance No. 1406 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. Resolution No. 1299: Authorization for the Town Council President to Sign CSX Documents**

Mr. Austgen stated as they get further into projects, the entity requires express authorization of signature authority. Council Member Sharpe read Resolution No. 1299 by title only.

A motion to approve Resolution No. 1299 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.

**3. Resolution No. 1300: Authorization for the Town Council President to Sign the East Side State Revolving Fund Loan Program Documents**

Council Member Sharpe read Resolution No. 1300 by title only. Mr. Austgen explained this is one of the alternatives for financing for the east side project. It is a requirement of the funding entity for the resolution to be in place.

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A motion to approve Resolution No. 1300 was made by Julie Rivera with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

**4. Resolution No. 1301: Transfer Resolution**

Council Member Sharpe ready Resolution No. 1301 by title only. Clerk-Treasurer Sandberg explained this item is necessary for some end of year payments that need to be made. This is for total transfers within the General Fund of \$23,500. That is \$7,000 within the Police Department's budget and \$10,800 within the Fire Department's budget. It also includes \$5,700 within Park Maintenance. This resolution also includes a transfer of \$1,800 within Motor Vehicle Highway.

A motion to approve Resolution No. 1301 was made by Ralph Miller 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.

**BZA/PLAN**

**1. Wahlberg Variance of Use: 7309-7319 Lake Shore Drive**

This item received a favorable recommendation from the BZA at the 12/9/21 meeting. Mr. Eberly explained this is to allow residential in a B-1 zoning district.

A motion to approve the Variance of Use as recommended was made by Robert Carnahan with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

**2. Cedar Lake Storage Extension of Special Use Variance – 9019 W 133<sup>rd</sup> Avenue**

This item received a favorable recommendation from the BZA at the 12/9/21 meeting. Mr. Eberly stated this extension was granted in phases. Phase 1 is to be done by June 30, 2022 and Phase 2 by September 15, 2024.

A motion to approve the extension of the Special Use Variance as recommended 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.

**3. Wiers, Electric Power Solutions, LLC – Variance of Use**

This item received no recommendation from the BZA at the 12/9/21 meeting. Mr. Niemeyer explained the BZA was a deadlock with a vote of 2 to 2. This variance of use would allow the petitioner to operate two buildings on one lot. This is a B-3 zoning area. While there are many details to be worked out as part of the site planning process, that isn't what they are considering as part of the variance. This is to operate two buildings on one lot. Mr. Austgen added that most Council's don't take on tie votes. They return the item to the BZA for a full recommendation.

A motion to approve the variance of use with the contingency of the approval of a site plan by the Plan Commission as well as the check off of a storm water plan by the Town engineer was made by John Foreman. A second was made by Robert Carnahan. Mr. Austgen asked the Council if there are any other items they wished to consider. A brief discussion occurred on items discussed at the BZA. Mr. Niemeyer asked if they would include in the motion the findings of fact from the BZA. Mr. Foreman concurred as well as Mr. Carnahan. Mr. Niemeyer discussed the proximity to Wicker Meadows and the undertaking by the Town to resolve flooding issues in the area. He stated it's extremely important the storm water plan is vetted well. He wants to make sure there are no issues and potential impacts to residents. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – No, Schieben – No, Sharpe – Yes, Niemeyer – Yes. Vote: 5 - 2.

**4. Letters of Credit**

- a. Summer Winds Unit 2 – Performance Letter of Credit Extension
- b. Summer Winds Unit 3 – Performance Letter of Credit Extension
- c. Beacon Pointe East Unit 3 – Performance Letter of Credit (Final Plat Approved 12/15)

All received a favorable recommendation from the Plan Commission at the 12/15/21 meeting.

A motion to approve the Letters of Credit 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.

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**NEW BUSINESS**

**1. Approval of Amended Veridus RFP Process Agreement for the New Public Safety Building**

Mr. Eberly explained this item was approved at the last meeting but Mr. Eberly included the wrong agreement within their packet. The agreement was dated September 15<sup>th</sup> but an updated agreement was received November 11<sup>th</sup>. Modifications were made to the schedule. There was also an increase of \$5,000. That was due to the fact that we asked them to do the RFP for the architect. This brings the total for the agreement to \$69,000.

A motion to approve the amended Veridus agreement 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. Acceptance of the Town Manager's Resignation**

Mr. Eberly announced his resignation. This is due to a family situation. He stated he appreciated the opportunity. He wishes he could've fulfilled the contract. He stated it's been a pleasure to work with everyone and this is a great team. The Council took turns expressing their gratitude for Mr. Eberly. A brief discussion continued.

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

**3. Approval of BZA Meeting Time Change for Y2022 from 7 p.m. to 6 p.m.**

The BZA Chairman has requested moving the start time from 7:00PM to 6:00PM for 2022. With the growth in the community, some of the meetings last quite long. Mr. Niemeyer asked Mr. Austgen if he could make a 6:00PM meeting. Mr. Austgen stated he could.

A motion to approve was made by Colleen Schieben 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.

**4. CSX Agreement Authorizing Work in Right-of-way for the Lake Ecosystem Restoration Project**

Mr. Eberly explained this is the document for which the previous resolution was approved. This allows encroachment into the CSX right-of-way for the Lake Ecosystem Restoration Project. CSX requires they have proof of the Council President as signatory. He reminded them they took that action earlier by way of resolution.

A motion to approve the agreement was made by John Foreman 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.

**5. 129<sup>th</sup> Avenue Change Order No. 2**

Mr. Eberly explained this is a \$41,000 decrease to the 129<sup>th</sup> Avenue Project.

A motion to approve Change Order No. 2 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.

**6. 129<sup>th</sup> Avenue Pay Request No. 4**

Mr. Eberly stated this pay request comes with a recommendation from Christopher Burke Engineering. This pay request is the final one. It is in the amount of \$71,906.66.

A motion to approve Pay Request No. 4 was made by Robert Carnahan with second by John Foreman. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7 - 0.

**7. Morse Corridor Change Order No. 1**

Mr. Eberly stated a little more length of pavement was done. Some areas also required a little more asphalt depth. This is an increase of \$20,839.04. This brings the project total to \$132,458.04.

A motion to approve Change Order No. 1 was made by Julie Rivera 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.

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**8. Morse Corridor Pay Request No. 1**

Mr. Eberly stated this is the one and only pay request they will receive for the project. It is in the amount of \$132,458.04.

A motion to approve Pay Request No. 1 was made by Ralph Miller 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.

**9. West Lake HMA Surface Overlay Pay Request No. 1**

Mr. Eberly stated there will be additional work needed in the spring. This is only the first pay request. It is in the amount of \$126,796.99. It comes with a recommendation from Christopher Burke Engineering.

A motion to approve Pay Request No. 1 was made by Julie Rivera 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.

**10. Y2022 Austgen Legal Services Agreement**

Mr. Niemeyer stated this will include an increase from \$100 to \$130 per hour. He asked when it last increased. Mr. Austgen stated 2004 and before that it was 1997.

A motion to approve was made by Ralph Miller 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.

**11. Insurance Agent of Record**

Mr. Niemeyer stated at the last meeting, three insurance agencies were present. Those agencies were Henriott Group, Bramen Insurance, and Meyers Glaros Group. Mr. Niemeyer stated he would be abstaining due to his business relationship with Meyers Glaros.

A motion to continue with Henriott Group was made by John Foreman with second by Julie Rivera. Mr. Niemeyer noted that hopefully Henriott Group get the message and is more proactive with helping them utilize their benefits as well as improve their risk model. Roll call vote: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller – Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Abstain. Vote: 6 – 0.

**12. Y2022 EMS & Fire Protection Services Agreement**

Mr. Austgen stated this is the updated agreement. It was done based upon the information provided by the Council and the township. Mr. Niemeyer stated the contract amount is still for \$150,000. There are a couple maintenance items the township contributes. The Town takes care of the general day to day operations and maintenance. Mr. Toth stated the agreement will go before his board for review. He stated the new tanker truck should arrive in mid-February. A brief discussion continued.

A motion to approve the agreement 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.

**13. Approval of FD Rescue Tools, Phase 1 approved by the Board of Safety: Howell Rescue Systems**

Chief Wilkening stated this is Phase 1 of the replacement of the old rescue tools. They are looking at replacing spreaders, a cutter, and telescopic ram. They hope to complete Phase 2 next year. Mr. Niemeyer asked if the Clerk-Treasurer identified the funds. Clerk-Treasurer Sandberg asked for confirmation that the company would honor the prices listed in the quote. A brief discussion continued. Ms. Sandberg stated the Ambulance Non-Reverting Capital Fund would have the \$33,385 available.

A motion to approve 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.

**14. Asset Management Plan and Certificate of Acknowledgement**

Mr. Eberly stated this item doesn't require any action. It is for their information only. They have submitted the Asset Management Plan to LTAP. This is what allows them to apply for Community Crossing Grants as well as others.

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**REPORTS**

1. Town Council – Mr. Foreman stated the Cedar Lake American Legion put together two additional trailers full of toy donations to the children of Kentucky. The response was overwhelming. He wanted to share it in the next newsletter as well as the Town's Facebook. It was an unbelievable gesture. Mr. Carnahan wished everyone a Merry Christmas and Happy New Year. Mr. Niemeyer discussed the Moto on Ice Event Agreement. The copy circulated is the agreement from last year. Mr. Niemeyer asked Mr. Eberly if there were any changes. Mr. Eberly stated only the dates. Mr. Niemeyer asked the Council to consider a motion to amend the agenda and allow the item for consideration.

A motion to amend the agenda was made by Julie Rivera 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.

Mr. Niemeyer discussed the ice races. He asked that any motion made be contingent upon check off and review by the Town Attorney. Mr. Austgen stated he would appreciate that. There may be changes to exhibits and items like insurance.

A motion to approve the agreement contingent upon legal review was made by Julie Rivera 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.

2. Town Attorney - No report.
3. Clerk-Treasurer – Clerk-Treasurer Sandberg stated she is in receipt of the 1782 Notice. This is the Town's budget for 2022. It was approved as submitted. Early January everything will be entered. She was notified the fall settlement will hit the bank tomorrow. The year will end with positive cash balances. Mr. Niemeyer added that the RDC approved at the previous night's meeting, the amount of \$2,200 for some improvements at the Police Department.
4. Town Manager – No report.
5. Director of Operations – Mr. Kubiak wished all a Merry Christmas.
6. Police Department – Chief Fisher stated the monthly report for December is included in their packets. He briefly went over the total calls.
7. Fire Department – Chief Wilkening discussed the department's call volume. He stated the new COVID variant has the hospitals jam packed. The state is going to put another contingency plan together as far as response. It will be a while longer before we get through this.

**WRITTEN COMMUNICATION**

1. Building Department Report – Through November the Town is at 364 new home permits. Mr. Kubiak stated they are close to approaching building permit number 1,000 this year.
2. Christopher B. Burke Report - Included in the packet.

**PUBLIC COMMENT**

Mary Joan Dickson, 8711 W. 132<sup>nd</sup> Place, asked about the Summerfest Agreement. Mr. Niemeyer stated Mr. Austgen was out on medical. Mrs. Dickson voiced concerns with not being able to contract with vendors. Mr. Austgen stated they would have it at the next meeting.

Moto On Ice thanked the Council for their support.

Natalie Sumara, 13318 Morse St, voiced her appreciation for Mr. Eberly. He met with them to discuss a potential new restaurant on their property. She was appreciative of his willingness to help. She hopes his replacement is just like him.

**ADJOURNMENT** President Niemeyer called the meeting to adjournment at approximately 7:40 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.