

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



April 5, 2022

**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	Chris Salatas Town Manager	
Present	Randell Niemeyer Council Member	Ward 5	Present	David Austgen Town Attorney	

PUBLIC HEARING: Ordinance No. 1412: Voluntary Annexation – Cedar Lake 133 LLC

- a. Review of Legals – Attorney Austgen stated the legals were in order for the public hearing.
- b. Reading of Ordinance No. 1412 – Council Member Sharpe read Ordinance No. 1412 by title only.
- c. Reading of Resolution No. 1304 - Fiscal Plan and Policy for Annexation – Council Member Sharpe read Resolution No. 1304 by title only.
- d. Remonstrators - None
- e. Town Council Discussion – Mr. Carnahan stated he had a resident voice concern about infrastructure services being provided. Mr. Carnahan stated from what he read that seems to be in order. Mr. Foreman stated the Town doesn't supply roads or services. Mr. Carnahan stated they were concerned about the roads in Town not being taken care of. Mr. Foreman stated if people are annexing land into Town, they put the roads in. Mr. Carnahan stated that they take them over eventually. Mr. Niemeyer stated he understands the concern but since the Town has started growing, they've been able to do more infrastructure than they ever have. A brief discussion occurred on growth and revenues as well as infrastructure improvements. Mr. Austgen added the fiscal plan and policy before them is standard pro forma policy. Adjustments have been made to best keep up with state law. The developer who is proposing the annexation realizes and knows they have to extend all improvements necessary for development activity to occur. Mr. Niemeyer asked what 133 LLC is tied to. It was stated the Lakeside east development. Mr. Carnahan added it is 193.5 acres. He briefly discussed a concept plan. Mr. Foreman stated they are only discussing the annexation not the concept.
- f. Town Council Decision on Resolution No. 1304

A motion to approve Resolution No. 1304 was made by John Foreman with second by Richard Sharpe. Roll Call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7-0. Mr. Austgen stated the adoption reading of the Ordinance will occur at the May 17th meeting.

PUBLIC COMMENT

None

CONSENT AGENDA

1. **Minutes:** March 15, 2022
2. **Claims:** All Town Funds: \$161,075.29; Wastewater Operating: \$61,112.98; Water Utility: \$41,062.49; Storm Water: \$15,432.87; and Payroll: 3/17/22, 3/31/22, and 4/1/22: \$471,184.55;
3. **Tag Day Requests:** Hanover Central Middle School Cheer, July 23, 2022
4. **Sweetcorn Sales:** June 22 – September 7, 2021, in True Value parking lot

A motion to accept and waive the reading of the minutes, and accept the Consent Agenda as listed was made by Colleen Schieben with second by Julie Rivera. Roll Call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7-0.

BZA

1. **Kamp, 12715 Parrish Avenue, Variance of Use:** to allow a secondary residential use for an in-law suite on an R-1 lot (*This received a favorable recommendation from the BZA on 3-10-22*)

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Mr. Austgen stated a unanimous, favorable recommendation was certified to them. The certification contains the identification of the proceedings had and held. The matter is before them for final action. Mr. Niemeyer asked Ms. Kuzma, Planning Director, for her insight. Mr. Salatas briefly introduced Ms. Kuzma as the new Planning Director. Mr. Carnahan noted Ms. Kuzma wasn't at the BZA meeting. Ms. Kuzma stated it is a use variance to allow an in-law suite. Mr. Niemeyer asked what the findings of fact were. Mr. Salatas stated the set-backs were to be 21 feet on the front and 15 feet on the back and electric to the garage while the primary structure is established. The previous house burned down. The new owners bought the property with the garage still standing and would like to run electric to it for construction. He believes there was a contingency that the in-law suite could not be used as a rental.

A motion to approve the variance of use as recommended by the BZA including the findings of fact and conditions was made by John Foreman with second by Robert Carnahan. A brief discussion occurred on in-law suites and if a variance of use was necessary. Roll Call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7-0.

OLD BUSINESS

1. Acceptance of documentation in relation to Building Permit Fee Waivers approved for Hanover Community School Corp at the March 15, 2022 Town Council Meeting

Mr. Salatas reported this is the paperwork catching up with the action. The Superintendent sent the request via email and thanked the Council for waiving the fees for the building permits coming up for renewal. This was outlined in the motion made at the previous Council meeting. Mr. Salatas added this is for the permits related to the Red Cedars School, HCHS renovations and editions, bus barn, maintenance building, resource center, and Community Athletic Building. Ms. Bakker has reviewed and everything is on par.

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

2. Humane Pet Store Ordinance Request: Dustin Thibideau

Council Member Rivera stated she feels Cedar Lake is late to a human pet store ordinance. She stated this would prohibit the retail sale of dogs and cats bred in puppy mills. She feels like this something they need to get ahead of before a store opens up in Town. Dyer, etc. all have an ordinance. She stated Mr. Austgen has drafted a similar ordinance relating to zoning in another Town. She asked Mr. Thibideau to discuss the model ordinance distributed to the Council. Mr. Thibideau stated he has been working with the Humane Society as a volunteer. He volunteers on animal rescue teams and policy. He introduced himself and what the idea was for the ordinance. Over 400 communities have moved forward with an ordinance. It would prevent the sale of cats and dogs from sources that come from puppy mills. He stated they are usually associated with Petland or Happiness is Pets. This ordinance would not affect private breeders. He briefly explained what a puppy mill is and gave a little history on similar ordinances and court issues. He discussed animal welfare, consumer protection, predatory lending, and public health concerns. Mr. Thibideau briefly discussed on the communities that have moved forward with such an ordinance. Mr. Foreman stated he mentioned Petland quite a bit. He asked if there was an organization that would check any stores that opened to see where they get puppies from. Mr. Thibideau said there are investigative agencies and the USDA does inspections. He re-iterated this would not affect private breeders. It was asked how they know private breeders were operating properly. A very lengthy discussion continued on the matter as well as private breeders versus pet stores. Mr. Thibideau reiterated this ordinance would not stop people from purchasing pets from private breeders or prevent a pet shop from opening up. The goal is to prevent stores known to get puppies from bad conditions or models not up to humane standards. He again referenced Petland. Mr. Niemeyer stated Mr. Thibideau has referenced Petland multiple times. He asked if the ordinance would discriminate against one particular business. Mr. Thibideau said no. It would pertain to any that have the business model like Petland has been documented to have. Mr. Foreman asked Mrs. Rivera to clarify the request. Mrs. Rivera stated this is to see if they should move forward with an ordinance. She asked Mr. Austgen to discuss the ordinance in Schererville. Mr. Austgen stated this ordinance before them is ambiguous and not enforceable in his opinion. He stated Schererville accepted his advice for enforcement purposes that puppy mills were the target. The zoning component of the ordinance is for enforcement. A lengthy discussion continued on pet stores and prohibition of acquiring pets from puppy mills. Mr. Thibideau asked about getting a copy of the Schererville ordinance. Mrs. Rivera asked if the Town's recent update to the zoning ordinance referenced pet stores and locations. Mr.

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Austgen stated yes. It was required to be in a B-3 Zoning District with a variance of use approval. They added two layers of review to the approval activity for that type of business. Mrs. Rivera asked Mr. Thibideau if he was familiar with any ordinances from surrounding communities. Mr. Thibideau stated in speaking with the director of the humane society, the language is what they are looking for. Mr. Niemeyer asked Mrs. Rivera what her desire was with this so they could direct the attorney to evaluate and give recommendations to possible draft something. Mrs. Rivera stated her desire was to prohibit pet shops from opening in Town. Discussion continued on if they could prevent stores from existing. Mr. Thibideau stated this wouldn't stop a store existing it would prevent them from getting pets from puppy mills. Mr. Foreman asked if they could review and see what other Town's have. He asked if they could have the attorney look into it and find middle ground. He doesn't believe it is the government's place to say what kind of store can open. A brief discussion continued on zoning to ban puppy mills and what the next steps should be. Mr. Thibideau offered to get ordinance copies and share them.

A motion to defer was made by Julie Rivera with second by Richard Sharpe. Mr. Austgen asked if Julie could share copies of the other ordinances once received. Roll Call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7-0.

NEW BUSINESS

1. Ratify use of U.S. Bank for Trustee Services for the Lake Ecosystem Project Finances

Mr. Salatas stated this is to ratify U.S. Bank for Trustee Services for the Lake Ecosystem bonds. The Town has used their services in the past. Mr. Austgen stated they are already working. This is to catch the paperwork up to the deal. They will process the closing on Thursday.

A motion to approve was made by Colleen Schieben with second by Ralph Miller. Roll Call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7-0. Mr. Austgen asked Mr. Niemeyer to sign the contract before he leaves. A brief discussion occurred.

2. Decommissioning of Equipment: This is for equipment that has failed or been replaced due to upgrades over the past year

Mr. Salatas stated there are ten computers on the list from various departments. He's asking for them to be decommissioned and recycled. The hard drives have all been pulled.

A motion to approve was made by John Foreman with second by Robert Carnahan. Roll Call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7-0.

3. Appointment of Scoring Committee: Sidewalk on East Lake Shore Drive RFP

Mr. Niemeyer stated he circulated to the Council today the engineering report from Christopher Burke when the project was first brought up to create a pedestrian path. The first part would be from Cline Avenue to the Town Hall. Mr. Salatas stated this is a NIRPC project. The grant is an 80/20 match. A scoring committee is necessary with a minimum of three persons and a maximum of five. The committee would review all of the RFP's that come in. The committee will make a recommendation based on a scoring card. That was sent out in the RFP. The first part is given by INDOT. They have already scored all of the approved engineering firms. The committee will do the last four boxes. That calculated recommendation will be presented to Council who will ultimately approve the engineering firm. Mr. Niemeyer asked who he recommended for the committee. Mr. Salatas recommended a small committee of three. Mr. Niemeyer stated there are rules such as the members cannot collaborate with one another. Mr. Salatas stated that was correct. He will receive the RFPs and take the engineering firms that bids have been received from, send the lists to INDOT to verify they are certified. He will collect the scores from INDOT and then forward that to the scoring committee. They will score the remaining portion and those will then get put together and brought before the Council. Those will also be made part of the LPA documents that go back to INDOT. Mr. Salatas recommended himself, Greg Parker from Redevelopment Commission, and Julie Rivera. A brief discussion occurred on the scoring process and fairly rating. Mr. Salatas stated the RFPs are due a few days after the next Council meeting. The timeline to get them back to INDOT is whenever. All of the RFP's are submitted electronically. Mr. Niemeyer briefly discussed history here in Town with engineering firms.

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A motion to approve the appointments as recommended was made by Richard Sharpe with second by Julie Rivera. Roll Call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7-0.

4. Consider Approval of Purchase of Car and Body Cameras for the Police Department

This item received a favorable recommendation from the Board of Safety at the March 23, 2022 meeting. Deputy Chief Brittingham reported on behalf of the Chief of Police. This project has been discussed for some time. It is an expensive project. He stated they found a company they wish to go with based on a number of considerations. Motorola Solutions, Watch Guard is the company, who they wish to go with. It was presented to the Board of Safety for their approval at their last meeting. They are recommending purchase of the entire package of body cams and vehicle cams. There are two totally different costs associated with that. One is considerably more than the other due to the additional equipment. There are good reasons for both. The body cams alone do not give you the entire perspective during an incident. Those cameras can sometimes come off. Every company out there has tried to come out with better mounting systems but it still happens. If you have a car mounted system and several cars at a scene, there is a good chance you'll capture the entire incident on those vehicle cameras as well. This system takes the body and vehicle recordings and merges them into one incident. Mr. Niemeyer asked what the total price of the entire package is. Mr. Brittingham stated the entire system is \$316,991. For a five-year lease purchase contract, that comes out to \$46,837 annually. Mr. Niemeyer asked if we had any idea on the impact on the internal computer systems. Mr. Brittingham stated that is all part of it. Everything that has been going on has included IT. Mr. Niemeyer as if number would require them to meet the state bidding thresholds. Mr. Austgen stated no. A brief discussion occurred on bidding. Mr. Foreman stated he is in favor but asked if this was included in the budget. Clerk-Treasurer Sandberg stated they didn't specifically budget for it this year but the Cumulative Capital Development Fund (CCD) would pay. The Police Department was awarded a grant that would cover the first year. Mr. Foreman asked if it would mess up buying cars. It was stated no. Mr. Brittingham stated the Chief has been working with the financial advisor and Jen as well. Mr. Niemeyer stated they had also talked with Chief Wilkening on his need for a fire engine. Anything they put on CCD they would have to consider the totality. Mr. Brittingham stated the grant received was for \$79,345. That covers the initial start-up and payments. They will continue to apply for grants in the future. Projections from the Financial Advisor for the CCD Fund show it should easily be covered. He was comfortable with the funds for the upcoming years. A lengthy discussion occurred on impact to other capital projects as well as funding sources and revenue.

A motion to defer and direct the Clerk-Treasurer, Town Manager, and Financial Advisor to come up with the financial schematic to take action was made by Richard Sharpe with second by Colleen Schieben. Roll Call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7-0.

5. Approval of 133rd and King Change Order 5

Mr. Salatas reported the item was originally described as transverse marking, multi-component, crosshatch line, yellow. It has now changed to transverse marking thermo crosshatch yellow 12. This is a material name change only. No cost changes.

A motion to approve was made by John Foreman with second by Robert Carnahan. Roll Call: Carnahan – Yes, Foreman – Yes, Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 7-0.

REPORTS

1. Town Council – Mr. Carnahan stated there was a wreck at 128th and Fairbanks. He asked Mr. Brittingham to discuss. Mr. Brittingham stated the evening started with a pursuit. An unlicensed individual was operating an unregistered motorcycle. The pursuit ended up on Fairbanks near MacArthur. It ultimately ended in a field at Burr and 125th. The officers took him into custody. Shortly after that Corporal Miller rolled up on a crash just north of MacArthur on Fairbanks. It was a company van that hit a telephone pole and took the pole and lines down. The individual was unconscious. The individual suffered a medical issue that caused him to crash. Mr. Niemeyer discussed the intersection of 133rd and Schneider. He stated cars in the lot of Enterprise Car Rental block the view. He stated the situation was dangerous. He discussed the old site plan being from the Center Garage days. He discussed working with the current company to possibly eliminate a parking space near the corner to help the line of sight. Discussion continued on the matter. Mr. Niemeyer welcomed Kristina to the team. He stated it is good to have someone with her expertise and background.
2. Town Attorney - None

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3. Clerk-Treasurer – Ms. Sandberg reported there will be a public hearing on the next agenda to re-establish the Cumulative Capital Development Fund. She stated she anticipates another one for an additional appropriation for the CCMG monies for the Parrish and Vermillion Project. She anticipates a few additional appropriations being necessary for the General Fund. Prices are increasing on everything. She'll be going through the line items. Mr. Niemeyer asked if they wanted to put together a committee meeting to discuss this and put together projections for the remainder of the year. A brief discussion continued.
4. Town Manager – Mr. Salatas stated they will be having a community meeting this Thursday for the Highland neighborhood. That will be the first project starting this year. Parrish and Vermillion will follow. They will have another meeting for those other projects as the start dates get closer. They'll share project timelines, affected areas and detours. IDEM has issued the permit for the lake dredge. This will let Christopher Burke continue with the second phase. They had a pre-construction meeting with Dyer Construction. The plan is for them to start as soon as the land swap has been finalized and as weather allows. He stated he has signed the LARE Grant. It is back in Indianapolis and requires four more signatures. It will be in front of the Council for ratification once those last signatures are gotten. Mr. Carnahan asked about the culvert on 127th Avenue. He stated they previously discussed it and it would be replaced once construction begins. He asked if Public Works was doing the work or the construction company. Mr. Salatas stated the construction company. Mr. Niemeyer stated there will be a pancake breakfast for the band boosters on Palm Sunday.
5. Director of Operations – Mr. Kubiak stated they started branch pickup again. He stated at the next meeting they will ask to get a truck bed refurbished. He'll have the quote then. Mr. Niemeyer discussed the fence at Kiwanis Dog Park. He asked what the next steps are. Mr. Kubiak stated they should have the electric in the next week. The next moves are getting the grass planted and the water line moved and installed. Milestone will be giving a proposal to pave the lot when they are in Town doing Parrish. There is discussion on paved walks to the dog park. The playground will be installed later this week. A brief discussion occurred on the possibility of purchasing a used total patcher.
6. Police Department – Deputy Brittingham stated they'll have the activity report at the next meeting.
7. Fire Department – No report.
8. Veridus Report – Mr. Salatas reported the public safety building project will have an initial meeting with K2M. They discussed moving forward with the sports complex. Mr. Niemeyer stated they met with Veridus Group last Friday to cover a lot of projects. Specifically, they discussed phasing the athletic complex project. Veridus will be working on getting that first phase up and running. Discussion continued on the bigger plan. Mr. Salatas stated he's excited for that project. He briefly discussed the possible location. The redistricting project is moving forward. Several scenarios will be presented in the next few months.

WRITTEN COMMUNICATION

None

PUBLIC COMMENT

Charlotte Wiedman, 8705 W. 139th Court, discussed needing a dog pound or animal control. She voiced support for having pet tags for any pets in Town. She stated they need to do something. She voiced concerns with feral cats. Mrs. Rivera discussed the contract with Lake County Animal Control. She discussed the lack of funds to set up and run an animal control locally. She stated Lake County Animal Control will not pick up but will allow drop offs. They have the space to house animals. Mrs. Wiedman continued to voice concerns with animals running loose. Mrs. Wiedman voiced concerns with the dog park. She stated people park on the grass right up on the gate instead of the parking area. Mr. Niemeyer stated the dog park isn't open yet. Mr. Kubiak discussed a lot of things need to be done there still. Mrs. Wiedman voiced concerns with the exit at CVS. She stated something needs to be done about that. She briefly discussed improper breeding of animals. She stated something needs to be done about that. She asked about the sidewalk from Cline Avenue to the Town Grounds. Mr. Niemeyer stated that is a proposal they are working on. She stated she doesn't want a sidewalk she wants the streets paved. She voiced concerns with Butternut Street. Mr. Niemeyer stated the sidewalk project is totally different funding sources. The Town can't use that money for pavement on the road. Mrs. Wiedman continued to voice concerns with the state of the road.

Brad Fus, 12754 Stevenson St, discussed the water utility. He asked if the Town objective was to have residents with private wells turn over to the community well system. If so, he understood the need for a new water tower. He asked the Council to consider an alternative site for the new water tower. Mr. Niemeyer stated the financing for the water tower is all lined up. That includes the site. They can't change that now. They moved it a little bit because some residents expressed similar concerns. Some adjustments were made. So much of determining the location was based on soil stability. Mr. Niemeyer briefly discussed finding the right location for the tower. They had hoped to partner with Lake County to locate the tower in the county park a little bit but that

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wasn't allowed. Mr. Fus asked about the height of the tower. Mr. Kubiak stated he didn't know. A brief discussion continued on the height of the new water tower. Mr. Fus asked if there were alternative sites discussed. Mr. Niemeyer discussed working with the engineers to find a suitable location. Mr. Fus asked if it was moving forward. Mr. Niemeyer stated yes. The bid has been awarded. The Town has been working on it for almost two years. A public forum was held with notices sent out to residents. Discussion continued on the water tower project.

Dave Novosel, 10805 W. 134th Place, he discussed findings related to traffic issues in his neighborhood. Mr. Salatas stated they will be putting speed bumps on Osborne Street around April 15th. The softball and baseball folks will be working on notifying the residents on the schedule of tournaments. They will also be providing no parking signs for those who request them. They will share the schedule with the Police Department. Mr. Novosel stated he thought the meeting went differently. He asked about speed bumps on 134th. Mr. Novosel voiced concerns with the parking on the street especially during the weekends of tournaments. He stated the streets are down to one way during these weekends. Mrs. Rivera asked if it was possible to get speed bumps on 134th. Mr. Salatas stated he doesn't know how many are available. Mr. Kubiak couldn't remember the total they have available. Mr. Kubiak stated he'll put them wherever they want them. Mr. Novosel asked about no parking signs on the weekends. Mr. Brittingham stated it sounds like they want to shut down the ballpark. Mr. Novosel continued to voice concerns with the parking and cars. A lengthy discussion continued on the matter.

Mr. Carnahan asked Mr. Austgen about the Zoom ordinance. Mr. Austgen stated it would be on their next agenda. A brief discussion continued on electronic meetings.

Charlotte Wiedman discussed Veridus Group and Rick Roberts. She stated he said he was able to collaborate with the schools to use the ball fields. She discussed the taxpayers paying for a lot of ball fields. She asked why couldn't the Town or parks department use the facilities at the school. Mr. Niemeyer stated softball and baseball are not affiliated with the Town in any way. They are private organizations. If they wanted to work with the schools, they would have to make that connection to see if they could. As far as the Town building facilities, that is more of a community wide approach. Mrs. Wiedman continued to voice concerns with the proposed sports complex. Mr. Niemeyer discussed the bigger picture with these projects and the role Veridus Group plays. A very lengthy discussion continued on recreational sports and facilities.

ADJOURNMENT President Niemeyer called the meeting to adjournment at approximately 9:20 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.