

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



June 7, 2022

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

Roll Call:

Absent	Robert H. Carnahan Council Member	Ward 1	Present	Colleen Schieben Council Member	Ward 6
Absent	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	

PRESENTATIONS

1. Bob Gross of CLEA

Bob Gross commented the Council on the groundbreaking ceremony for the lake ecosystem project. He presented the Town Council with a check for \$50,000 on behalf of the Cedar Lake Enhancement Association. The funds are to go directly to the Lake Eco-System Project Fund.

A motion to accept the donation of \$50,000 from CLEA and to be deposited into the proper non-reverting account was made by Richard Sharpe with second by Colleen Schieben. Roll Call: Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5-0.

2. Swearing in of New Fire Department Volunteers

Clerk-Treasurer Jennifer Sandberg gave the oath of office to Michael Richardson, Earlyne Long, and Connor Reilly. All three will be serving as volunteer firefighters.

PUBLIC HEARING:

1. Ordinance No. 1417 – Public Way Vacation – Gasche

- Review of Legals – Mr. Austgen stated the legals were in order.
- Opening Remarks – Mr. Salatas stated this is a small walking path needs to be vacated in order to allow Mr. Gasche to build a home on the property. They did a utility check and there are none. It is just a walking path.
- Reading of **Ordinance No. 1417** – Mr. Sharpe read by title only.
- Remonstrators - None
- Town Council Discussion – Mr. Niemeyer asked if they confirmed there was no utility interest either above or below and no Town access needed. Mr. Salatas stated that was correct. Most of the walking path has been vacated already.
- Town Council Decision

A motion to approve the first reading of Ordinance No. 1417 was made by Colleen Schieben with second by Julie Rivera. Roll Call: Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5-0.

A motion to suspend the rules and allow for a second reading was made by Ralph Miller with second by Colleen Schieben. Roll Call: Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5-0.

Mr. Share read Ordinance No. 1417 by title only.

A motion to adopt Ordinance No. 1417 was made by Ralph Miller with second by Colleen Schieben. Roll Call: Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5-0.

2. Resolution No. 1308 - Additional Appropriation for the General Fund in the amount of \$80,000 and CCMG Funds in the amount of \$898,339.75

- Review of Legals - Clerk-Treasurer Sandberg reported the notices were duly published in both the Times and Post-Tribune on May 25, 2022.
- Reading of **Resolution No. 1308** – Mr. Sharpe read by title only.
- Opening Remarks – Ms. Sandberg stated the \$80,000 to be appropriated in the General Fun is within Council’s budget for services and charges as well as the

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police and fire departments for supplies, specifically, fuel. This additional appropriation is also for the CCMG monies received in the amount of \$898,339.75.

- c. Remonstrators - None
- d. Town Council Discussion - None
- e. Town Council Decision

A motion to approve Resolution No. 1308 was made by Julie Rivera with second by Richard Sharpe. Roll Call: Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5-0.

PUBLIC COMMENT

Yvonne Taves, 13518 Dewey, commented on the total patcher purchase on the agenda. She voiced concerns with staff and their abilities regarding use of the total patcher. She voiced concerns with gravel being left behind.

CONSENT AGENDA

1. **Minutes:** May 17, 2022
2. **Claims:** All Town Funds: \$411,646.48; Wastewater Operating: \$120,957.78; Water Utility: \$105,120.66; Storm Water: \$18,382.10; and Payroll: 5/26/2022 and 6/1/2022: \$248,413.68;
3. **Alcohol Waiver Request:** Mary Kirn is requesting a waiver from the Town's policy of no alcohol allowed at the clubhouse to serve mimosas at her daughter's bridal shower on July 23, 2022. She will hire CLPD for security upon approval.

Council Member Schieben commented on Mary Kirn's request. She stated she doesn't need a waiver. They made alcohol okay at the clubhouse. She just needs the officer for 75 people or over. A motion to accept and waive the reading of the minutes and accept the consent agenda as listed was made by Richard Sharpe with second by Ralph Miller. Mr. Niemeyer discussed Town facilities and ways to indemnify the Town in lieu of provision of insurance certificate. It's not always possible for small parties to get an insurance policy. He asked Mr. Austgen about ways to protect the Town. A brief discussion occurred. Mr. Austgen recalled waiver language on the permit application. Discussion continued on facility use. Tracey Haskell stated she works in insurance and many places will allow people to get an endorsement on their home policy for one day for the event. It will cover the liability of the party. The insurance company will provide a certificate. Mr. Niemeyer asked Mr. Salatas to review. Mr. Salatas stated he would have Margaret send it to Dave tomorrow. A brief discussion continued. Roll Call: Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5-0.

ORDINANCES & RESOLUTIONS

1. **Ordinance No. 1397:** System Wide Development Ordinance (*first reading 9/07/21*)
Council Member Sharpe read Ordinance No. 1397 by title only. Mr. Austgen explained this is the ordinance that goes with the petition proceeding before the Indiana Utility Regulatory Commission. The tariff from the IURC was received May 25, 2022. Upon adoption of the ordinance, the rates will go into effect. Mr. Niemeyer asked what the number was now. Ms. Sandberg stated the west side is now \$3,209 and the east side remains the same at \$2,556. Mr. Austgen stated this is a second reading. Dates and public meeting information are to be filled in.

A motion to adopt Ordinance No. 1397 was made by Ralph Miller with second by Richard Sharpe. Mr. Niemeyer noted that the IURC wanted the Town to have one set of tariffs but approved two. Roll Call: Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5-0.

2. **Ordinance No. 1420:** Amending Responsible Bidders Regulations
Council Member Sharpe read Ordinance No. 1420 by title only. Mr. Austgen stated they recently adopted an ordinance that established general parameters for responsible contractors and bidding practices. Upon review of Ordinance No. 1405, a portion was not complete when it was presented. The amendment is to clarify the requirements for apprenticeship participation for bidders submitting bids.

A motion to approve Ordinance No. 1420 was made by Colleen Schieben with second by Julie Rivera. Roll Call: Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5-0.

A motion to suspend the rules and allow for a second reading was made by Ralph Miller with second by Colleen Schieben. Roll Call: Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5-0.

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Council Member Sharpe read Ordinance No. 1420 by title only.

A motion to adopt was made by Ralph Miller with second by Colleen Schieben. Roll Call: Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5-0.

3. Resolution No. 1307: Purchase of a Total Patcher T-7500

Council Member Sharpe read Resolution No. 1307 by title only. Mr. Kubiak stated this is an opportunity to get a decent piece of equipment at a good price. This is an opportunity to move forward with projects. He addressed complaints with the total patcher. He stated tar is put down and then gravel. They roll the gravel and then take the street sweeper after to clean up. This has made a difference and they hope to proceed in that manner. Mr. Austgen added they were presented a proposal by the Town of St. John in the form of establishing a joint interlocal agreement related to the transaction. His review of the code is that it is simpler to do this under the disposal statute, 36-1-11-8. That caused them not to be required to go through the bidding requirements. A brief discussion continued.

A motion to approve Resolution No. 1307 was made by Colleen Schieben with second by Julie Rivera. Roll Call: Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5-0.

BZA/Plan Commission

1. Letter of Credit– Extension of Performance LOC for Hanover Community School Corporation in the amount of \$373,557.25. This received a favorable recommendation from the Plan Commission on May 18, 2022.

A motion to approve was made by Richard Sharpe with second by Julie Rivera. Roll Call: Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5-0.

2. Letter of Credit– Extension of Performance LOC for Robert R. Henn and Richard Henn in the amount of \$868. This received a favorable recommendation from the Plan Commission on May 18, 2022.

A motion to approve was made by Ralph Miller with second by Julie Rivera. Roll Call: Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5-0.

3. Letter of Credit – Extension of Performance LOC for Beacon Pointe Units 4 in the amount of \$99,032.17.

A motion to approve was made by Richard Sharpe with second by Colleen Schieben. Roll Call: Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5-0.

4. Variance of Use – 141 Partners; Use Variance is to allow personal storage building in a B-2 Zoning District. This received a favorable recommendation from the BZA on May 12, 2022. Mr. Austgen commented that the certification is not complete. The record was clear. He was at the public meeting and all requirements of the BZA were met. The paper can catch up to the action if they consider that.

A motion to approve was made by Richard Sharpe with second by Colleen Schieben. Roll Call: Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5-0.

5. Variance of Use – El Jimador; Use Variance is to allow outdoor dining and the serving of alcoholic beverages at a restaurant in a B-1 Zoning District. This received a favorable recommendation from the BZA on May 12, 2022. Mark Anderson added this was approved at the public meeting on the 12th. Contingencies included outdoor dining safety measures like bollards and outside dining have no more than five tables with four seats. The total combined occupancy be based on the number of parking spaces. Mr. Salatas stated the bollards are to be four feet on center.

A motion to approve was made by Colleen Schieben with second by Richard Sharpe. Roll Call: Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5-0.

6. Variance of Use – Creative Dermal Restoration LLC; Use Variance to allow medical tattoo / tattoo removal studio in a B-1 Zoning District.

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This received a favorable recommendation from the BZA on May 12, 2022. Mr. Austgen stated this also will have the certification to follow. Mr. Don Frey discussed his business. He stated a big part of operations the last few years has been reconstructive tattooing. He also works with the Lake County Juvenile System and performs laser removal. He stated with cancer patients, he wishes to have a smaller shop. Someplace more comfortable and able to be by appointment. He stated he'd like to do larger artistic pieces but by appointment only. A brief discussion continued. Mr. Salatas added the BZA added a contingency that included the signage to not include the word tattoo. Mr. Frey stated he hasn't decided what yet. He doesn't want a flashy sign or folks to think its a stereotypical tattoo shop but it may be if he wants to do artistic pieces.

A motion to approve the variance of use to include the catch up of the record as well as removing the contingency of the requirement was made by Colleen Schieben with second by Richard Sharpe. Roll Call: Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5-0.

7. Ordinance No. 1419 – MacArthur School Rezone to a PUD

Mr. Austgen stated this project started at the end of March and went through the public hearing process for the rehabilitation and expansion of MacArthur School. This is a PUD with lots and conditions that have been worked through in the development agreement and plan. A favorable recommendation was received by the Plan Commission. This matter is now before them. Mr. Sharpe stated it was a lot of hard work to get it to where it is. The necessary vetting was done. Mr. Sharpe read Ordinance No. 1419 by title only. Mr. Austgen added that one of the conditions or exhibits was the engineering report by Don Oliphant on any remaining items or specific conditions. After the meeting on June 1st, Mr. Oliphant issued another letter. The letter is to be included in the development agreement.

A motion to adopt Ordinance No. 1419 was made by Ralph Miller with second by Colleen Schieben. Mr. Austgen added with their approval of the ordinance, they will also be approving the development agreement and plan. Roll Call: Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5-0.

NEW BUSINESS

1. Lake Ecosystem Restoration Project SDF Stage 2: Bid Award

A motion to defer was made by Richard Sharpe with second by Julie Rivera. Roll Call: Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5-0.

2. Enforcement of Patrolman Sterk's Contract

Mr. Austgen stated this is a legal agreement made by a former police officer of the Town who has left employment. This training reimbursement agreement is a condition of employment that occurs when you swear in new officers.

A motion to approve was made by Ralph Miller with second by Julie Rivera. Roll Call: Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5-0.

3. Approve Use of Park Impact Fees in the amount of \$9,300 to Pay for Survey Work for the Rights-of-Way for Founders Creek Trail

Mr. Salatas reported this received a favorable recommendation at the Park Board meeting. This is for the survey work to move the Founders Creek Trail Project forward.

A motion to approve was made by Ralph Miller with second by Colleen Schieben. Roll Call: Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5-0.

4. Change Order No. 2: West Lake HMA Overlay Project price increase in the amount of \$19,031.67 for a new contract price of \$212,291.17 with Milestone Contractors North, Inc.

Mr. Salatas reported this is to close out the remaining project. Ms. Sandberg stated this is for the west side overlay project. This is for the final street of the project that was just finished.

A motion to approve Change Order No. 2 was made by Richard Sharpe with second by Colleen Schieben. Roll Call: Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5-0.

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5. Pay Order No. 2: Payable to Milestone Contractors North, Inc. for the West Lake HMA Overlay Project in the amount of \$85,894.18

Mr. Salatas stated this goes along with the previous item, to close out the project.

A motion to approve Pay Order No. 2 was made by Richard Sharpe with second by Ralph Miller. Roll Call: Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5-0.

6. Acceptance of Huseman Easement

Mr. Salatas reported this was signed this morning. This is the easement needed for the return passage from the sediment dewatering facility. The cost is \$2,000 per acre and payable June 1st of each year for the length of the project.

A motion to accept was made by Colleen Schieben with second by Julie Rivera. Roll Call: Rivera – Yes, Miller- Yes, Schieben – Yes, Sharpe – Yes, Niemeyer – Yes. Vote: 5-0.

REPORTS

- 1. Town Council** - Mr. Niemeyer stated there was paving done on Morse Street a couple years ago, just past Wahlberg Photography Studio. The skirting was never completed as part of the project. He doesn't know if all the punch list items are done but the skirting is a big drop off. Ms. Taves stated they were supposed to put stone there and never did. She spoke to Jill at the time and was told they would come and do it and they never did. Mr. Kubiak asked for clarification of the drop off. Ms. Taves discussed the markings done at the time and lack of follow up. Mr. Niemeyer asked for a resolution. Mr. Kubiak stated he would get it resolved.
- 2. Town Attorney** – No report.
- 3. Clerk-Treasurer** - Ms. Sandberg stated last week they kicked off 2023 budget discussions. She stated she is working on the next supplemental update to the Town Code.
- 4. Town Manager** – Mr. Salatas reported they have received calls about long grass. With the rainy season and summer upon us they are aware of issues. They have code enforcement out dealing with offenders. The Parrish Avenue Road project has begun. They are aware of the added traffic issues in Winding Creek and staff have met to discuss a solution. Chief Fisher added he has instructed staff to patrol the area more often. Mr. Salatas stated yesterday was the groundbreaking ceremony for the Sediment Dewatering Facility. They have three gold shovels and he would like elected officials and department heads to sign the shovels to present to the Cedar Lake Historical Association. A brief discussion continued on the groundbreaking.
- 5. Director of Operations** – Mr. Kubiak reported all of the new park equipment is installed. They are now working on the install of the rubber mulch. Mr. Salatas added his appreciation for Tim and the crew at Public Works for helping with the set-up for the groundbreaking. It would not have been possible without them. A brief discussion continued.
- 6. Police Department** – Chief Fisher stated they are still waiting on equipment for the new squads. The update to the boat motor and controls have been completed. Mr. Niemeyer discussed petitioning DNR to make the lake directional. He thinks it would be a good discussion to improve the safety. A brief discussion continued on lake safety. Chief Fisher added the Board of Safety would be having a budget workshop on Friday. They will be working on the budget for next year. Mr. Niemeyer stated they may come up with a wish list that might not match reality.
- 7. Fire Department** – Chief Wilkening stated they would be having an open house for the tanker at 6PM on June 29th. They will also be displaying the new rescue tools. He discussed the importance of updating the equipment. They tools were necessary for a technical rescue this past weekend.
- 8. Veridus Report** – Mr. Salatas stated the ward redistricting should be coming before the Council soon. A meeting for the public safety building occurred last Thursday. That is progressing nicely. The Park Board should be receiving a quote from Context Design for the sports complex for planning services.

WRITTEN COMMUNICATION

None

PUBLIC COMMENT

Richard Cribari, 13940 Hobart Street, stated he has been a resident for about twenty-five years. He complained about the streets in his neighborhood. He spoke about the awful state of the streets. He spoke about new developments and the roads and sidewalks being put in. He voiced concerns with a yellow home that is in a state of disrepair. Mr. Miller asked if the total patcher would help his neighborhood. Mr. Salatas stated the total patcher wouldn't help that area. It needs

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a complete reconstruction. Mr. Salatas stated developers are responsible for the new roads. He added the yellow house is on the unsafe list. Mr. Niemeyer spoke about previous neighborhood street projects. He discussed last years road projects that were able to be done with cash. He stated they have to save up until they can tackle the next project. A brief discussion continued.

Sharon Greenwalt, 7613 W. 135th Place, spoke about a recent fire in the neighborhood. She thanked the Fire Department for their quick response. She stated they wouldn't have had the fire if some of the unsafe buildings had been cited. She spoke about a couple homes being in disrepair. She stated she thinks the fire could have been avoided if they would tackle some of the unsafe homes. She stated something should be done. Mr. Sharpe asked about a list of unsafe homes. Mr. Salatas stated they do but they have to follow due process. Chief Wilkening stated there is state law that must be followed. They can't just throw people out. Mrs. Greenwalt continued to voice concerns with a home across from her. Mr. Niemeyer asked about the home in question and previous citations. Chief Fisher stated his officers do write citations. A very lengthy discussion continued on the concerns presented. Mrs. Greenwalt asked why bigger homes don't have to pay more for the sewer utility bill. Mr. Niemeyer stated new homes have to pay fees to tap in and the Town has a flat sewer rate. Mrs. Greenwalt continued to voice concerns. Mr. Niemeyer discussed the benefits of having a flat rate and infrastructure improvements. Discussion continued on the sewer rates.

Yvonne Taves, 13518 Dewey St, commented on a problem neighbor. She stated Lake County put a sign on the door because it was uninhabitable due to the electric. Ms. Taves stated last week traffic was backed up on Lake Shore Drive because a cement truck was blocking the east bound lane. No one was directing the traffic. She asked if there was an ordinance that required traffic direction if there is a blocked lane. Chief Fisher stated most folks are courteous in those instances. They weren't notified of the matter. Mrs. Taves stated the contractor should be penalized or they should look at the ordinance to address the matter. She voiced concerns on the roundabout.

Jerry Linas, 12546 Parrish Ave, stated he spoke to John Foreman and Chris about an easement. He stated there is still some figuring out if it is a road or an easement. He discussed there being a lot of potholes. He stated Tim came out and did some repairs but only up to a certain area. He asked why it was stopped. He stated maybe there's another seventy-five feet. Mr. Salatas stated this is a sewer easement. Rick had worked on this in the past. He found a 1992 maintenance agreement between the two property owners at the time. Parcel A and Parcel B which is Mr. Linas parcel and his neighbors. It outlines the maintenance of said drive. Mr. Niemeyer asked if it is an easement or a road. Mr. Salatas stated an easement not a road. Mr. Kubiak stated in the past they fixed the frontage. It's not a public road. They just put some millings and graded so people could get in and out. This is the same property with lift station issues in the back. Mr. Niemeyer asked why the millings were put in. Mr. Kubiak stated for the residents. Mr. Niemeyer asked is it a private drive. Mr. Salatas stated the question is is it a public road. The answer is no. Therefore, just like Laque Drive, those residents are responsible for the maintenance of the road. Mr. Kubiak stated there is a sewer manhole off of the road. Mr. Linas asked why would they fix half of the easement. Mr. Kubiak stated he told staff to patch it up to the manhole. Mr. Linas continued to voice concerns with the partial fix. He stated the other end is just as bad. It's not fair to the residents. Mr. Niemeyer stated an easement is different from a road. Mr. Kubiak stated the millings were put in to the manhole. Mr. Niemeyer stated they only improve easements up to the point of access needed. Mr. Linas stated that doesn't make sense to him. A very lengthy discussion continued on the concerns with the easement and private property.

Yvonne Taves briefly discussed two fires in her neighborhood in less than two years. She stated over thirty years ago, the Council got rid of easements. By vacating easements there is no other way out. There is only one way out of the neighborhood for residents. She voiced concerns with the lack of a second way out of the neighborhood in the event of an emergency.

Kevin Toth, 9725 W. 129th Pl, asked about the waived alcohol use at the Clubhouse. He asked if they would require a temporary alcohol permit from the ATF. Mrs. Schieben stated no. That wasn't the plan. Mr. Niemeyer stated he had an event in Lowell and had to get a temporary alcohol license. He stated that is something the individual would have to get from the state. Mr. Toth stated he contacted the ATF regarding the trustee's rental space and was told renters would have to get a daily permit for alcohol. Mrs. Schieben stated they can figure out how to do that. A discussion occurred on size of events. Mr. Niemeyer stated Mr. Toth is correct that a temporary permit is necessary. A brief discussion continued.

ADJOURNMENT President Niemeyer called the meeting to adjournment at approximately 9:00 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.