

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



July 18, 2023

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	John Foreman Vice-President	At Large
Absent	Julie Rivera Council Member	Ward 2	Absent	Richard Sharpe President	At Large
Present	Nicholas Recupito Council Member	Ward 3	Present	Jennifer N. Sandberg, IAMC, CMC, CPFIM Clerk-Treasurer	
Present	Ralph Miller Council Member	Ward 4	Present	Chris Salatas Town Manager	
Present	Colleen Schieben Council Member	Ward 5	Present	David Austgen Town Attorney	

OATHS OF OFFICE

Clerk-Treasurer Sandberg gave the Oath of Office to Travis Able, Firefighter/EMT, and Padrick Schmitt, Volunteer Firefighter.

PUBLIC HEARINGS

1. Ordinance No. 1456, Public Way Vacation Continued Public Hearing – Rago

A motion to defer was made by Robert Carnahan with second by Colleen Schieben. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes. Vote: 5 – 0.

2. Resolution No. 1334, Additional Appropriation

- a. Review of Legals – Clerk-Treasurer Sandberg stated the legal notices were made timely in both the Times and Post-Tribune.
- b. Opening Remarks – Ms. Sandberg explained this additional appropriation is for a total amount for the General Fund of \$110,000, a total of \$5,000 for the Motor Vehicle Highway Fund, a total of \$30,000 for the Local Road & Street Fund, and a total of \$79,550 for the Community Crossing Grant Fund.
- c. Reading of Resolution No. 1334 – Council Member Recupito read by title only.
- d. Remonstrators – Cheryl Parker, 7227 W. 136th Court, asked for specification in the General Fund for Other Services and Charges totaling \$70,000. Ms. Sandberg stated that is for engineering.
- e. Town Council Discussion - None
- f. Town Council Decision

A motion to approve Resolution No. 1334 was made by Colleen Schieben with second by Robert Carnahan. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes. Vote: 5 – 0.

PUBLIC COMMENT

None

CONSENT AGENDA

- 1. Minutes: June 20, 2023
- 2. Claims: All Town Funds: \$2,284,915.97; Wastewater Operating: \$639,893.57; Water Utility: \$147,848.77; 2010B Water Bond: \$3,733.75; Storm Water: \$163,359.78 Payroll: 6/22/23, 6/20/23, 7/3/23, 7/6/23 \$685,728.18; and June Remittances \$229,706.10
- 3. Manual Journal Entries: June 1, 2023 – June 30, 2023
- 4. Donations: Police Department Donations: \$1000, Liza & Jeff Bianchi; \$1000, Alan & Gina Pieczul Fire Department Donations: \$1000, Liza & Jeff Bianchi; \$1000, Alan & Gina Pieczul; Police K9 Donation: LBL Development LLC, \$2,500.
- 5. Tag Day Request: Hanover High School Cheer, August 19, 2023 (August 26th rain date)

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 Ralph Miller. Mr. Carnahan asked if that tag day was open. Mr. Salatas stated that Margaret always checks the calendar to make sure there is no double booking. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes. Vote: 5 – 0.

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ORDINANCES & RESOLUTIONS

1. Ordinance No. 1466 – Howkinson Farm Annexation by Olthof Homes

Council Member Recupito read Ordinance No. 1466 by title only. Mr. Foreman explained this is the southwest corner at 141st and Parrish. Mr. Salatas explained it is an 80-acre farm that is not annexed yet. Olthof Homes is making the petition for annexation. It will come in as agricultural.

A motion to approve the first reading of Ordinance No. 1466 was made by Colleen Schieben with second by Ralph Miller. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes. Vote: 5 – 0. Mr. Austgen noted the public hearing will be next month.

2. Resolution No. 1333 – Temporary Loan 2017 RDA A, B, & C Bonds

Council Member Recupito read Resolution No. 1333 by title only. Ms. Sandberg explained this has become a regular business item regarding this bond. Upon receipt of the tax settlement, repayment is made for the previous temporary loan. That is what occurred with the June settlement. The fund balance was not enough to make the debt obligation due on the 15th of the month. She requested a temporary loan in the amount of \$170,003.26. She stated it will be repaid with upon receipt of the fall settlement. Mr. Recupito asked if there was a shortfall. Ms. Sandberg stated it is an issue with the way the original bond was issued and how DLGF approved the timing of the collection settlement. Mr. Recupito asked if it would ever correct itself. Ms. Sandberg stated not with this bond issue but moving forward it has. The DLGF is much better about working with the Town and timing in order to avoid such issues. Mr. Carnahan stated this is something they have done previously.

A motion to approve Resolution No. 1333 was made by Robert Carnahan with second by Ralph Miller. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes. Vote: 5 – 0.

3. Resolution No. 1335 – Fire Department Transfer Resolution

Council Member Recupito read Resolution No. 1335 by title only. Ms. Sandberg explained this was a request from the Fire Department to transfer a total of \$3,800. That is \$1,000 from Line 398, Awards/Promo, to Line 131 Uniform Allowance, \$1,800 from Line 339, Copier Lease, to Line 131 Uniform Allowance, and \$1,000 from Line 446, PPE/Safety Gear, to Line 131 Uniform Allowance.

A motion to approve Resolution No. 1335 was made by Robert Carnahan with second by Colleen Schieben. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes. Vote: 5 – 0.

BZA/PLAN COMMISSION

1. Performance Letter of Credit Extension – Beacon Pointe East, Unit 2

Mr. Salatas reported this is to extend a performance letter of credit for Beacon Pointe East, Unit 2. It is from Peoples Bank in the amount of \$182,135.46. It will be extended for a term of six months. A letter has been received from the engineer with the supporting documents. It requests the Town extends it as the developer works to correct outstanding items. Mr. Carnahan briefly discussed the revised documents included in their packet. Mr. Recupito asked Mr. Austgen what happens if the Council does not renew a letter of credit. Mr. Austgen stated on it is face, the letter of credit surety will expire. If it is not accepted and the term is allowed to run. The alternative is to do something. That something is usually in the form of calling on the performance letter of credit surety to fulfill the responsibility or completion items, if there are any. Mr. Recupito stated everyone is aware there are outstanding items there. He asked if it would behoove them to have some sort of update at the next meeting or in thirty days. He discussed getting the storm water issue addressed. Mr. Austgen stated it could be done. This item should probably be returned to the Plan Commission. The Plan Commission has jurisdiction over subdivision plats. This relates to that. They can be asked to monitor and provide a report. Mr. Foreman added Mr. Oliphant's letter is pretty thorough. Mr. Recupito discussed wanting to have an update for residents. Mr. Foreman asked if they were at 80%. It was stated they are not. Mr. Salatas stated Don will be at the Plan Commission meeting tomorrow. Schilling will be at the August meeting. The letter of credit is on the agenda. Mr. Foreman stated an extension of a performance letter of credit is a good thing. Mr. Recupito asked if Chris could get an update from Don and the developer on this particular item. Mr. Salatas stated he would try to get them an update with firm timelines and deliverables, if they can. A brief discussion continued.

A motion to approve the extension as well as include the letters from Christopher B. Burke as well as request an update by the next meeting for a fix for the well-known storm issues

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was made by Nick Recupito with second by Colleen Schieben. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes. Vote: 5 – 0.

2. Release of Maintenance Funds payable to Tech Credit Union in the amount of \$5789.90, the term to hold expired on 12-10-2022, and authorize the Clerk-Treasurer's Office to cut a check for the same

Ms. Sandberg reported the Plan Commission previously approved a motion in 2019 to refund Tech Credit Union the amount of \$57,898.96 of the original performance funds in the amount of \$63,688.86. At that time, the Town Attorney recommended maintenance funds in the amount of \$5,789.90 be withheld for a period of three years. The term has since expired and it is time to return the funds to Tech Credit Union. Mr. Recupito asked if this is for the Tech Credit Union building. Mr. Foreman stated yes.

A motion to approve was made by Colleen Schieben with second by Nick Recupito. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes. Vote: 5 – 0.

NEW BUSINESS

1. Morse Street Water Main Extension Project Bid Award

Mr. Salatas explained one bid was received from Gatlin Plumbing. The base price was \$912,250 with two alternatives. The first alternative would be for a reduction in cost. Instead of doing a ductile iron pipe, it would be a directionally bored HDPE pipeline. The second alternative would be for the rest of the pipeline in the area to go from ductile iron pipe to C900. It is his recommendation for base price at alternative one. C900 is not the developmental standard of the Town, ductile iron pipe is but HDPE is most desirable to be directionally bored under any waterways. Alternate one would be a reduction of \$12,250. It would be paid out of system development charges from the water utility, that is new growth paying for it. Any remaining balance would be paid out of the TIF District, which this project was also contemplated in the TIF District. Mr. Carnahan asked why only one company bid on the project. Mr. Salatas stated six contractors came to the pre-bid meeting but only one ended up supplying a bid. Mr. Recupito asked if there was a sense of urgency with the line or if they could wait and bid again. Mr. Salatas stated they had a similar occurrence with the Bartlett-Wahlberg Park bathroom and pavilion project. They did two public bids. The first time they received no bids and the second time they had one bid that was extremely high and left parts of the project out of the proposal. Discussion continued on the project.

A motion to accept the bid of base price plus alternative one was made by Ralph Miller with second by Colleen Schieben. Roll Call: Carnahan – No, Recupito – No, Miller – Yes, Schieben – Yes, Foreman – Yes. Vote: 3 – 2. Motion fails.

A motion to re-bid the project was made by Robert Carnahan. Mr. Kubiak mentioned the cost of re-bidding the project being greater as well as the fact that Utopia is a twelve-month project and it has only been nine months. He understands it is a huge inconvenience but realistically there is still three months to finish it. It is going in the right direction. He stated there were a lot of old pipes and unknowns with the project and they have done a great job getting water lines back in. He understands the restoration has been hard. A lengthy discussion occurred on the project and the bid received. No second made. Motion dies.

A motion to defer to the August 1st meeting was made by Ralph Miller with second by Colleen Schieben. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes. Vote: 5 – 0.

2. Consider a Board of Safety Favorable Recommendation dated June 28, 2023, for clarification of the ProTeam Tactical Performance Town Council Motion of April 4, 2023, made after receiving a BOS Favorable Recommendation dated March 23, 2023, to include language specifying the Town's Workers Compensation protocol must be followed

Mr. Salatas stated the explanation read is exactly what it is. The Town will follow its Workers Compensation protocol in all instances. Chief Fisher agreed with Mr. Salatas.

A motion to approve was made by Colleen Schieben with second by Nick Recupito. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes. Vote: 5 – 0.

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3. Disbursement Request No. 3 for 2022A Project Trustee Fund No 1001031163 in the amount of \$19,423.47

Mr. Salatas reported this is for the police project. These are for K2M for design fees. These are reviewed by GM Development, Veridus, Sue, Jen and now it is before them.

A motion to approve was made by Ralph Miller with second by Colleen Schieben. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes. Vote: 5 – 0.

4. Disbursement Request No. 2 for 2022B Project Trustee Fund No 1001031164 in the amount of \$32,234.67

Mr. Foreman noted this is for the fire project. Mr. Salatas agreed.

A motion to approve was made by Colleen Schieben with second by Nick Recupito. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes. Vote: 5 – 0.

5. Fire Department Reimbursement Agreement with Travis Able

Mr. Austgen stated this is part of the policy and procedure for being hired.

A motion to approve was made by Nick Recupito with second by Robert Carnahan. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes. Vote: 5 – 0.

6. Acceptance of Sullivan Trust Parcel Uniform Property Acquisition Offer (Founders Creek Project)

Mr. Salatas reported this is one of the six parcels needed for the Founders Creek trail project. This will be paid out of Park Impact Fees. It is in the amount of \$2,400. Mr. Carnahan asked if this went before the Park Board. Mr. Salatas stated no as the project was undertaken before the board was formed. Mr. Carnahan asked if they knew about it. Mr. Salatas stated yes. Mr. Foreman stated it is for the property across the street that will connect the Town Grounds to Lemon Lake. Mr. Recupito asked if these were all willing sellers. Mr. Salatas stated yes.

A motion to accept was made by Colleen Schieben with second by Ralph Miller. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes. Vote: 5 – 0.

7. Ratify Acceptance of the Mendoza Counter Offer for Morse St and Constitution Avenue Easements and Authorization of processing said documents by the Town Manager, Clerk-Treasurer, and Town Attorney (East Side Water Improvement Project)

Mr. Salatas reported this is for two easements. The first one is for \$4,000 for the easement and \$500 for attorney fees. The second one is for \$14,500 and \$500 for attorney fees. They are willing sellers.

A motion to ratify the acceptance was made by Nick Recupito with second by Ralph Miller. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes. Vote: 5 – 0.

8. Acknowledge and Accept the two (2) Mendoza Permanent Easement Agreements and Authorize the Town Manager, Clerk-Treasurer, and Town Attorney to Finalize the Execution of Documents

Mr. Foreman asked if this was similar to the item above. Mr. Salatas stated yes. Mr. Recupito asked which documents would need to be finalized. Ms. Sandberg stated these are the actual easement agreements

A motion to accept was made by Colleen Schieben with second by Ralph Miller. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes. Vote: 5 – 0.

9. Acknowledge and Accept the Blagojevic Permanent Easement Agreement and Authorize the Town Manager, Clerk-Treasurer, and Town Attorney to Finalize the Execution of Documents

Mr. Foreman noted this is a donation from the property owner. Mr. Salatas reported the consideration for this agreement is for the Town to remove four trees and slope the

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property to a 4:1 slope. The engineer, TJ, at Christopher B. Burke reviewed. A brief discussion occurred on the work requested.

A motion to accept was made by Robert Carnahan with second by Nick Recupito. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes. Vote: 5 – 0.

- 10. CBBEL Change Order 2: Stage 2 Dredging with Dredge America, Inc. reflecting a decrease in the amount of \$3,155.80 for a new total in the amount of \$5,971,844.20**
Mr. Salatas reported this is due to a difference in the soft areas being excavated and the areas that need to be hard panned. That will require a different barge. The difference is between the cost in the two quantities. What material needs to be hard panned has been reduced which has decreased the cost. A brief discussion continued.

A motion to approve was made by Colleen Schieben with second by Ralph Miller. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes. Vote: 5 – 0.

11. Consider Acceptance of the Slather Temporary Easement Agreement

Mr. Salatas explained this item and the next one was negotiated by Schilling Development. It is part of their proposed Lakeside development. They would need to run an offsite sewer main to Morse Street. They negotiated with the Slather family and are turning it over to the Town. There is no cost to the Town other than legal reviewing.

A motion to accept was made by Ralph Miller with second by Colleen Schieben. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes. Vote: 5 – 0.

12. Consider Acceptance of the Slather Permanent Easement Agreement

Mr. Salatas stated this is similar to the previous item. It is a forty-foot-wide sewer easement.

A motion to accept was made by Ralph Miller with second by Colleen Schieben. Roll Call: Carnahan – Yes, Recupito – Yes, Miller – Yes, Schieben – Yes, Foreman – Yes. Vote: 5 – 0.

REPORTS

- 1. Town Council** – Mr. Carnahan reported the Chamber will be having their annual golf outing on August 20th at Minne Monesse. It is \$85 per person. Mrs. Schieben reported they will be having Labor Day Fest the Sunday before Labor Day from 2PM to 8PM at the Town Grounds. They are working on a new winter fest as well.
- 2. Town Attorney** - No report.
- 3. Clerk-Treasurer** – Ms. Sandberg reported last week Chris, Corby, and she met with Department Heads to discuss the 2024 budget. She stated they had a very productive meeting with each of the Department Heads and various staff members.
- 4. Town Manager** - Mr. Salatas reported he shared Jen's sentiments. They will also be reviewing the TIF District as part of the broader strategic plan of the Town. He is working with Christopher B. Burke Engineering on an application for the remainder amount for CCMG. It will likely be just crack sealing as the majority already awarded is for Shades Phase I. That is the area north of 141st Avenue.
- 5. Director of Operations** – Mr. Kubiak added that will also include striping on 133rd east of US 41.
- 6. Police Department** – Chief Fisher briefly discussed the monthly calls report and the traffic stop analysis.
- 7. Fire Department** – Chief Wilkening briefly discussed the monthly calls report.

WRITTEN COMMUNICATION

- 1. Building Department Report** - Mr. Salatas reported there were 19 new home construction permits last month. That brings the total to 57 for the year with two commercial permits last month. Those were Culvers and Taco Bell.
- 2. Christopher B. Burke Report** - Mr. Salatas reported this report reviewed ongoing existing projects, Plan Commission work as well as MS4 compliance. The local road safety plan continues and a deliverable is anticipated in August.
- 3. Veridus** – Work continues on the public safety buildings.

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PUBLIC COMMENT

Tracey Haskell, 13436 Osborne St, stated on July 5th the speed bumps were put on Osborne and 134th. She stated she understands why they were put on 134th and understands the complaints made by residents. She stated she moved in the subdivision in 2009. She discussed all the various ball leagues. She stated this year they had no cars parking on Osborne during the tournaments this year. She commended the new board. She stated she does not understand why the speed bumps were put on Osborne. She stated many of her neighbors do not understand. She stated the speed bumps are an annoyance. Mrs. Haskell continued to voice concerns with the speed bumps.

David Unger, 7835 W. 127th Ave, he discussed the evening of July 4th. He stated the police were very helpful that night. Mr. Unger voiced concerns with the bombs being allowed. He stated the explosions were very close to the home. He stated he came to alert the Town because they were exploding over their heads. He stated this is the second time it has happened. He continued to voice concerns with the explosive devices that fly through the air.

David Carter, 14025 Deodor St, stated most of his questions were for Don. He discussed Beacon Pointe and the swamp area. He stated the developers are not really responding. He stated by Don's admission, there are violations there. He asked why they cannot hit them with stop work orders. He stated there are admitted MS4 violations. He asked why can't they shut them down for the day. Mr. Carter asked about some information that was posted online.

Pamela Davenport, 13035 Schubert St, asked about the dredging and if another film could be posted. She asked if they could show an update on where it is all going. She commented on the state of the roads in some of the older subdivisions. She specifically discussed the road next to Rosati's Pizza. She discussed the roads in her neighborhood. Mrs. Davenport asked about Potawatomi Park. Mrs. Davenport stated she is worried about losing that property. She stated they need to think about the people that have lived here.

Susan Eriks, 13990 Austin St, discussed the Howkinson Farm annexation. She stated she knows it was brought in as agricultural but knows it will not be long until it becomes residential. She stated the intersection there is a major hub. She asked if they are looking forward to see what they are going to do about the intersection.

Mr. Foreman addressed Mrs. Eriks concerns. He stated they have no idea what they want to build at this time. The intersection and that road without question should be a three-lane road going all the way to US 41. He stated there are new things happening at the state level that could enable those initiatives. Mr. Recupito added that they are looking into a road impact fee. That would be new development paying that impact fee. That could be used for some of the improvements for an intersection. He stated that is something they are looking at. Mr. Salatas stated he has one quote and is looking for at least two more. Mr. Foreman discussed having roads annexed into Town that way they can properly manage areas. Mr. Foreman addressed Mrs. Davenport's comments. He agreed with her request for a film update. He stated it was a great idea. He stated there are new state laws happening that could enable them to help the older subdivisions. He stated the road impact fee is another excellent point. They have had a list for the last twelve years and they are attacking it with what they can resource wise. He stated as far as Potawatomi Park, they had some pie in the sky ideas awhile back but nothing has ever made it to fruition. It was two Town Managers ago. He stated he thinks they should at least put a swing set there. Mrs. Schieben added that they are working on a Parks Master Plan before they are going to replace equipment. It was unexpected to have to take the equipment out. The insurance company came out and told them it has to go. She stated there are no plans to get rid of any greenspace. They would love to enhance what is already there. She stated that is the goal. Mr. Foreman addressed Mr. Carter's comments. He stated when there is a performance bond on a new subdivision, the people do not have to finish everything until 80%. At that point it is reduced to a maintenance bond. He said there is a list going for that. He stated they are on the issues. Mr. Foreman noted Mr. Unger's comments. He asked Chief Fisher to comment on the ordinance. Chief Fisher stated the state law is pretty clear on when fireworks can be shot off. He stated they are still supposed to be shot in a safe direction and safe manner. He stated it is unfortunate it was not in that location but it sounds like they responded to the problem. Mrs. Unger discussed the fireworks being around her face. Chief Fisher stated it is unfortunate but state law gives them permission to purchase them and shoot them. A brief discussion continued on firework law. Mr. Foreman addressed Mrs. Haskell's comments. He stated he knows they did the speed bumps when they did the road projects. He stated he personally thinks they do not need the speed bumps. He believes the solution is to ramp up patrols. He stated he knows Mrs. Rivera get a lot of complaints from residents in that neighborhood. Mr. Foreman asked Chief Fisher to reassess the need for them on Osborne. A brief discussion continued on the matter.

ADJOURNMENT Vice-President Foreman called the meeting to adjournment at approximately 8:59 PM.

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

Richard Sharpe, President

John Foreman, Vice President

Robert H. Carnahan

Julie Rivera

Nicholas Recupito

Ralph Miller

ATTEST:

Colleen Schieben

Jennifer N. Sandberg, IAMC, CMC, CPFIM
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.