

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

January 5, 2010

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

Roll Call:

Present	John Foreman Council Member	Ward 2	Present	Robert Carnahan Vice President	Ward 1
Present	Patricia Wisniewski Council Member	Ward 3	Present	Dennis Wilkening President	Ward 5
Present	Jerry Smith Council Member	Ward 4	Present	Amy J. Sund Clerk-Treasurer	
Present	William Landske Council Member	Ward 6	Present	Ian Nicolini Town Administrator	
Present	Greg Parker Council Member	Ward 7	Present	David Austgen Town Attorney	

PUBLIC HEARING

1. Public Way Vacation – Vicinity of Hickory St. & 127th Place

- a. Town Attorney Comments** – David Austgen stated that it was recorded at the last meeting that this has met public hearing notice requirements.
- b. Ordinance No. 1075 – First Reading**
- c. Remonstrations** – There were no remonstrators.
- d. Council Comment** – Ian Nicolini stated that the petitioner has asked to continue this to the next meeting. Motion by Jerry Smith and seconded by Greg Parker to continue this to the next meeting.

Roll Call Vote: 7 to 0

Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	YES	YES

DEPARTMENT REPORTS

Police: Chief Roger Patz reported that the no parking signs have been installed on Huseman Street in the 137th, 138th and 139th block. Denny Wilkening stated that he drove through there and only saw one sign; Roger Patz responded that there was one on each block and Ed Robinson stated that he would check on these. Denny Wilkening stated that the signs need to face traffic and that people are still parking their cars there. Chief Patz stated that he will watch this.

Public Works: Ed Robinson stated that leaf collection is complete; pick-up will begin again in spring. Ed Robinson stated that he has distributed an information packet to Council on a vac truck. Ed Robinson stated that we will look at this in February but requested Council to allow the attorney to review the information to keep the process going. Motion by Bob Carnahan and seconded by Pat Wisniewski to have the attorney review the information.

Roll Call Vote: 7 to 0

Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	YES	YES

Parks & Recreation: Mary Joan Dickson reported that the Monastery ADA & restrooms project will begin on December 18th. The doors will be replaced with new ones, a wall in the restrooms will be removed as two sinks are needed and CMU will be used instead of drywall. Mary Joan Dickson asked Council to consider waiving the permit fees for this project. Motion by Pat Wisniewski and seconded by Greg Parker to waive the building permit fees.

Roll Call Vote: 7 to 0

Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	YES	YES

Pat Wisniewski inquired on the vandalism; Mary Joan Dickson reported that it is ok and that they had a program there.

Clerk-Treasurer: Amy Sund reported that annually there are EMS write-offs on uncollectable accounts. The amount for this year is \$41,478.13. Motion by Jerry Smith and seconded by Greg Parker to waive the EMS annual write-offs.

Roll Call Vote: 7 to 0

Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	YES	YES

David Austgen stated that Amy Sund and her staff have made the billing and processing more efficient. Amy Sund stated the annual utility adjustments for the period of December 18, 2008 to December 15, 2009 is \$26,485.35. Motion by Pat Wisniewski and seconded by Greg Parker to accept the utility adjustments.

Roll Call Vote: 7 to 0

Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	YES	YES

Amy Sund stated that she and Ed Robinson have had discussions regarding the rebates from the Pepsi machine at the public works garage. Amy Sund stated that it is the public works employees who are using the machine. Amy Sund suggested allowing a general non-reverting account for the use of the funds received from the rebates to be used for the public works employees. Motion by Jerry Smith and seconded by Bob Carnahan. Amy Sund stated that the amount currently is \$174.00.



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Roll Call Vote: 7 to 0

Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	YES	YES

Amy Sund stated that she had a proposal from Med Bill of Indianapolis to outsource the EMS billing and collections. She requested the Council authorize the attorney to review the proposal. Motion by Bob Carnahan and seconded by Bill Landske to authorize the attorney to review.

Roll Call Vote: 7 to 0

Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	YES	YES

John Foreman inquired if would like to make it contingent upon the attorney's approval to begin on January 1st. The contract would need to be signed by the President of Med Bill and her. Amy Sund stated that staff in the Town Hall has been discussing the possibility of changing the hours and she has discussed this with Bob Carnahan as he was in the office. Amy Sund proposed new hours; being open 8 am to 4 pm with the exception that the Clerk's office being on Tuesday's we would be open until 7 pm. This was so that residents can conduct clerk's office business one evening per week; Tuesday was chosen as it is the Town Council Meeting night and court is on the third Tuesday each month. Those attending the meetings could conduct business and it might draw more residents to attend the meetings. With it getting dark out earlier and the winter road conditions, we have noticed that residents are not utilizing our services between the hours of 4 and 5 pm. Bob Carnahan questioned if this was just her office until 7 pm; Amy Sund stated that it would be just her department most building department business with contractors is in the morning. Bob Carnahan inquired on lunch breaks; Amy Sund responded that they would work 40 hours and with flex time scheduling they could be allowed a break period. Bob Carnahan just wanted to be sure that we were not going back to paid lunches; Amy Sund responded no. Ian Nicolini stated the clerk's office staff is cross trained and can assist residents with building inquiries if needed. Jerry Smith stated that if it will make the office more proficient and a benefit for those who need to conduct business. John Foreman inquired if this would be for the winter; Amy Sund responded not necessarily. Motion by Bill Landske and seconded by Pat Wisniewski. John Foreman inquired on town business; Amy Sund responded that it has been tracked and services were not utilized.

Roll Call Vote: 7 to 0

Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	YES	YES

Public notice will be made for the change in hours.

Fire Department: Todd Wilkening had no report.

Town Administrator: Ian Nicolini stated that he is working on the 2009 year end report and should have a report for the second meeting in January. Ian Nicolini reported on permit data; 2009 data is through November. There were 111 new home permits in 2008 and only 58 in 2009; there were only 336 alteration permits in 2008 and 364 in 2009. INDOT had its bid opening on the AARA project for the resurfacing of Vermillion Drive came in at \$231,445.00 with 100% being Federal Funds, about \$5,000 less than engineer's estimates; work should begin in the spring. Ian Nicolini stated there will be some additional work outside of the bond for patching, wedging and leveling which would be funded locally. The fifth phase of the road bonds will be bid in February for the next construction season. Greg Parker inquired if this is just road work or storm work in the area; Ian Nicolini responded that public works replaced all the crossings in the area. Ian Nicolini stated that there is some bank stabilization work and the s-curve needs some work which will be in addition to the resurfacing. Greg Parker inquired on flooding in the area; Ian Nicolini stated that east of Hilltop has been addressed. Pat Wisniewski inquired on the dip in the road on 133rd; Ian Nicolini stated that he is working with Lake County Surveyor on this.

Town Attorney: David Austgen had no report.

Town Council: Bob Carnahan inquired on the vacancies on the Redevelopment Commission; Ian Nicolini responded that there are two vacancies, but there have been no new applications. Bob Carnahan reported that there are census jobs available. Bill Landske reported that Lake Dale will be stocking the lake.

PUBLIC COMMENT: Diane Jostes representing the Cedar Lake Chamber of Commerce stated that there is a concern with setting a date for the symphony. Diane Jostes presented letters of support to Council. She stated that this is a plus for the community and discussed the event. John Foreman inquired if parking is charges; Diane Jostes responded that it is free but there are some donations. Discussions occurred on having this on a smaller scale more that once per year. Bob Carnahan stated that this used to be done, but bands got too expensive. Denny Wilkening stated that there are roads that are not striped; residents have complained as well as emergency personnel. It is a beautiful thing, but we have to consider saving funds. Bill Landske stated the current economic times and read statistics on businesses. Greg Parker stated that this is something for those who could not afford it otherwise. It was stated that the Town has not had to lay any one off. Bill Landske stated that he would like to give more money to staff for the hard work they do. Greg Parker stated that we need to stop running from hardship; there are businesses in the Town that are hurting, but they are still trying. Discussions occurred on funding. Larry Stover of Orchard & 140th stated that he appreciates the paving but 140th Avenue was destroyed when sewer drains were put in. Ian Nicolini clarified that RDA Stormwater Bonds were used to resurface Orchard Drive. Improvements were made and patching was done, but it does not change the roads priority. Additional paving would need to be done in house. Ian Nicolini stated that we will have to strategize for the next road bond; a lot of roadwork was accomplished over the past three years. Concerns with the area of 140th & Binyon were discussed in relation to flooding and emergency vehicles.

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County will be replacing the bridge @ Binyon; there is one right of way left to obtain. Ian Nicolini stated that costs and priorities need to be looked at when there is a revenue shortage. This Council has completed more road projects that in the history of the Town. Denny Wilkening stated that Ed Robinson will get out there and see what we can do. Larry Stover questioned animal control in the Town; the same dogs are still running loose. Chief Roger Patz told Mr. Stover to contact him directly about this. Public comment was closed.

President Denny Wilkening amended the agenda to address Item #4 – Old Business item a. Chamber of Commerce Request was addressed at this time. John Foreman suggested committing to half now and the other half next year; Amy Sund stated that it would be better to encumber it all now. Motion by John Foreman and seconded by Pat Wisniewski to encumber \$7,500.00 for the 2010 Symphony.

Roll Call Vote: 7 to 0

Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	YES	YES

CONSENT AGENDA

- Minutes of the Regular Public Meeting of December 1, 2009.
- Docket: Town Claims 65932 - 66033 for \$3,104,801.56; Wastewater Claims 25427 – 25459 and \$304,792.62; Storm Water Claims 65940 – 65941 and 65958 – 65968 for \$313,043.90; and Water Utility Claims 80124 - 80136 for \$22,775.06. Motion by Pat Wisniewski and seconded by Bob Carnahan. Bob Carnahan inquired on the claim to Smith Ford was for a police car; Chief Roger Patz responded yes. Amy Sund stated that you need to look at the first three digits; all town funds includes a lot of different funds not just the general fund.

Roll Call Vote: 7 to 0

Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	YES	YES

UTILITY BUSINESS:

1. Preliminary Engineer Report – 129th Water Main Extension

Ian Nicolini stated that Neil Simstad of NIES Engineering presented this at the last meeting. The proposal is for a not-to-exceed amount of \$38,380.00. Wages and rates will remain constant for 2010. This will connect the water main at Monastery Woods to 41; no utility relocation will be needed. Motion by Pat Wisniewski and seconded by Greg Parker.

Roll Call Vote: 7 to 0

Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	YES	YES

TOWN BUSINESS

1. Ordinances

a. Ordinance No. 1073: 2010 Salary Ordinance – Second Reading

Motion by Pat Wisniewski and seconded by Bill Landske to read Ordinance No. 1073 by title only. David Austgen read Ordinance No. 1073 by title only.

Roll Call Vote: 7 to 0

Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	YES	YES

b. Ordinance No. 1074: Public Way Vacation – Vicinity of 7427 W. 138th Lane – Second Reading

This is to add on to the parking lot; the right of way has already been vacated. Motion by Pat Wisniewski and seconded by Greg Parker to read by title only.

Roll Call Vote: 7 to 0

Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	YES	YES

David Austgen read Ordinance No. 1074 by title only. Motion by Pat Wisniewski and seconded by Greg Parker to adopt Ordinance No. 1074.

Roll Call Vote: 6 to 1

Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	NO	YES

c. Ordinance No. 1076: Public Way Vacation – Vicinity of North St. & 128th Avenue – Second Reading

Ian Nicolini stated that this is a ten foot right of way between lots that the petitioner owns. Motion by Pat Wisniewski and seconded by Greg parker to read Ordinance No. 1076 by title only.

Roll Call Vote: 7 to 0

Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	YES	YES

David Austgen read Ordinance No. 1076 by title only. Motion by Pat Wisniewski and seconded by Greg Parker to adopt Ordinance No. 1076.

Roll Call Vote: 6 to 1

Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	NO	YES

**d. Ordinance No. 1078: Town Code & Building Regulations – Permit Fee Schedule
i. Plan Commission Issued a Favorable Recommendation**



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Ian Nicolini explained that there were conditions leading to this ordinance. With declining permits, costs were analyzed. We do not want to have to subsidize costs. Ian Nicolini stated that He has worked with staff and David Austgen to alleviate the confusion. John Foreman stated that this streamlines the process. Ian Nicolini stated that the schedule is based on time to review and inspections. Bob Carnahan inquired on the cost of an average permit; Ian Nicolini stated that \$50.00 per hour was used as a baseline. Most costs stayed the same. This has gone through two plan commission work sessions and has received a favorable, unanimous recommendation. Bob Carnahan questioned if this went through a public hearing; David Austgen stated no. Ian Nicolini stated that the Plan Commission held the hearing. David Austgen stated that 90-days needs to lapse after the rates are advertised before they can be used. Motion by Pat Wisniewski and seconded by Greg Parker to read Ordinance No. 1078 by title only.

Roll Call Vote: 6 to 1

Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	NO	YES

David Austgen read Ordinance No. 1078 by title only. Motion by John Foreman and seconded by Pat Wisniewski to accept the first reading of Ordinance No. 1078

Roll Call Vote: 7 to 0

Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	YES	YES

David Austgen suggested considering a second reading. Motion by Pat and seconded by Bill Landske.

Roll Call Vote: 7 to 0

Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	YES	YES

Motion by Greg Parker and seconded by Bill Landske to read Ordinance No. 1078 by title only.

Roll Call Vote: 7 to 0

Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	YES	YES

David Austgen read Ordinance No. 1078 by title only. Motion by Jerry Smith and seconded by Greg Parker to accept the second reading of Ordinance No. 1078

Roll Call Vote: 7 to 0

Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	YES	YES

Amy Sund inquired if this needs to be published; David Austgen stated that it does one time.

2. Resolutions

a. Resolution No. 1003: Temporary Loan

Amy Sund read Resolution No. 1003 in its entirety. The sum of \$10,077.90 shall be transferred from the Cumulative Capital Improvement Fund #401 to the Town Hall Debt Fund #302 in order to make timely payment for the lease-rental payment due by December 31, 2009. Motion by Bob Carnahan and seconded by Jerry Smith to approve Resolution No. 1003.

Roll Call Vote: 7 to 0

Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	YES	YES

b. Resolution No. 1004: Provisional Property Tax Bills

Ian Nicolini recommended reading the resolution by title only. Motion by Pat Wisniewski and seconded by Greg Parker to read by title only.

Roll Call Vote: 6 to 1

Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	NO	YES

David Austgen read Resolution No. 1004 by title only. David Austgen stated that this was drafted as a consequence of participation by our Town in the 16 Plus Community Organization in which Bob Carnahan attends. This refers to the monetary impact the delay of ineffective property taxes has on the communities. Bob Carnahan stated that he, Amy Sund and Jill Murr attended the meetings to try to get our money on a more regular basis. This is to send to our legislatures down state to let them know how we feel. Amy Sund stated that other Town's are participating in this; Schererville, Dyer and Griffith. Motion by Bob Carnahan and seconded by Jerry Smith to approve Resolution No. 1004.

Roll Call Vote: 7 to 0

Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	YES	YES

David Austgen recommended that in section four dissemination of the information by the Clerk-Treasurer and the Town Administrator. David Austgen suggested having Bob Carnahan hand these out, in an effort to provide a unified front. It was recommended to add up a separate schedule from all communities participating as to the cost of the tax dollars that went to debt service that could have been used for something else. Amy Sund stated that the Town has had tax anticipation warrants of about \$8,900,000; this does not include temporary loans. David Austgen stated that it does not include lost opportunity for the funds as well.

c. Resolution No. 1005: Transfers

Amy Sund read Resolution No. 1005 in its entirety. The sum of \$600.00 shall be transferred from the Lake County Solid Waste Fund #231 – Maintenance Supply to #336 – Repairs Motion by Bob Carnahan and seconded by Bill Landske to approve Resolution No. 1005.

Roll Call Vote: 7 to 0

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Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	YES	YES

d. Resolution No. 1006: 2009 Appropriation Reductions

Amy Sund read Resolution No. 1006 in its entirety:

WHEREAS, it has been shown that certain existing appropriations now have unobligated balances which will not be needed for the purposes for which appropriated, it is further resolved that the following amounts be cut from the 2009 General Fund Appropriations as follows:

GENERAL FUND #0101:

Clerk-Treasurer Department Reductions	\$ 18,920.00	
Town Council Department Reductions	\$372,875.00	
Metropolitan Police Department Reductions	\$108,500.00	
Planning, Zoning & Building Department	\$ 12,300.00	
Park Department Reductions	\$ 27,500.00	
Unsafe Building Department Reductions	\$ 10,600.00	
Total General Fund Reductions		\$550,695.00

MOTOR VEHICLE HIGHWAY FUND #0201

Motor Vehicle Highway Reductions	\$2,200.00	
Total Motor Vehicle Highway Fund Reductions		\$2,200.00

LOCAL ROADS & STREETS FUND #0202

Local Roads & Streets Reductions	\$2,000.00	
Total Local Roads & Streets Fund Reductions		\$2,000.00

REDEVELOPMENT DISTRICT GENERAL FUND #0404

Redevelopment District Reductions	\$2,700.00	
Total Redevelopment Commission General Fund Reductions		\$2,700.00

Funds were saved on insurance this year which helped with Town Council reduction. Amy Sund stated that there is an exhibit with the break down of the reductions. The major budget classes are what the State is interested in. Bob Carnahan question if the \$7,500 for the Town Council needs for the symphony needs to be changed; Amy Sund stated that she did not touch that line. Motion by Bob Carnahan and seconded by John Foreman to approve Resolution No. 1006.

Roll Call Vote: 7 to 0

Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	YES	YES

Amy Sund thanked departments for their help; hopefully this will help with next year's budget.

3. New Business

a. 2010 EMS Service Agreement

Motion by John Foreman and seconded by Greg Parker to approve the 2010 EMS Service Agreement. Bob Carnahan inquired if this was the first time it is being included in the packet; John Foreman stated that it was distributed at the last meeting. Bob Carnahan inquired if this is for the Fire Department or EMS; David Austgen responded that it is a total package. Bob Carnahan stated that we are no longer paying the gas and electric bills; the response by John Foreman, Amy Sund and others was not after the first quarter.

Roll Call Vote: 7 to 0

Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	ABSENT	YES	YES	YES	YES

b. Barnes & Thornburg Consent Letter

David Austgen stated that this a request of the bond financing counsel in concurrence with the Hanover Community School Corporation. It is an ethical requirement. David Austgen stated that he has reviewed it and recommends acting upon it. Motion by Bill Landske and seconded by John Foreman.

Roll Call Vote: 7 to 0

Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	YES	YES

4. Old Business

a. Chamber of Commerce Request – NWI Symphony Contribution Request

This was addressed after public comment.

PUBLIC COMMENT: Todd Wilkening, Fire Chief, thanked Council and all who worked on the contract. The ice races on the lake will begin again on January 3rd. Greg Parker suggested getting the committee together after the first of the year.

FINAL COMMENTS:

1. Town Council: Bob Carnahan wished all a Merry Christmas and Happy New Year. Greg Parker would like Council to consider all purchases be made on American made products. David Austgen stated that you need a buy American resolution. Motion by Bob Carnahan and seconded by John Foreman to direct Ian Nicolini to draft a resolution for the next meeting.

Roll Call Vote: 7 to 0



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Foreman	Wisniewski	Smith	Landske	Parker	Carnahan	Wilkening
YES	YES	YES	YES	YES	YES	YES

2. **Town Administrator:** Ian Nicolini stated that Calumet SNAP will be having a Spay/Neuter transport program in Cedar Lake on January 27, 2010.
3. **Town Attorney:** David Austgen had no comments.

ADJOURNMENT: At approximately 8:50 pm President Wilkening called for adjournment.

An Executive Session was advertised and conducted pursuant to IC 5-14-1.5-6.1(b) before the meeting with discussion consisting of land acquisition. Those in attendance were Robert Carnahan, John Foreman, William Landske, Greg Parker, Jerry Smith, Dennis Wilkening, Pat Wisniewski, Town Administrator Ian Nicolini, Clerk-Treasurer Amy Sund and Town Attorney David Austgen.

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

Dennis Wilkening, President, Ward 5

Patricia Wisniewski, Ward 3

Robert H. Carnahan, Vice President, Ward 1

John Foreman, Ward 2

Jerry Smith, Ward 4

William Landske, Ward 6

ATTEST:

Greg Parker, Ward 7

Amy J. Sund, IAMC, CMC, Clerk-Treasurer

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

(b) As the meeting progresses, the following *memoranda* shall be kept:

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