

**North Oaks City Council
Special Meeting Minutes
North Oaks City Council Chambers
January 11, 2024**

1. CALL TO ORDER

Mayor Wolter called the meeting to order at 5:05 p.m.

2. ROLL CALL

Present: Mayor Krista Wolter, Councilor Sara Shah, Tom Watson, John Shuman, Mark Azman

Staff Present: Administrator Kevin Kress, Attorney Bridget Nason

Guests: Undersheriff Mike Martin, Ramsey County Sherriff's Office

A quorum was declared present.

3. Discussion Item(s)

3a. Discussion on Possible Pilot Program of License Plate Reader Program (LPR)

- Mayor Wolter introduced the format for the meeting regarding the pilot program for License Plate readers, and thanked the residents for their interest and participation in this topic. She read two letters from residents; one was opposed due to low incidence of crime and potential of exclusionary practices, the other was in support of the program due to personal experience with home intruder. (Letters are attached to minutes.)
- Councilor Shuman reviewed the 3 Security Program Initiatives under discussion: increasing the North Oaks Block Captain Program through Ramsey County Sherriff's office, implementing an Emergency Communication Rave System which has been purchased to communicate and share information, and a License Plate Reader Pilot program at 6 entrances of North Oaks. The LPR program discussion is underway to determine feasibility. The goal of the LPR Program would be a deterrent to potential criminal activity and as a tool to help RC Sherriff's office track criminals once crimes have occurred.
- Under-Sheriff Mike Martin spoke of the value of having LPR program data available as a resource to identify and prosecute individuals when crimes have occurred. He brought Sherriff's Fletcher's support of this project and has experienced issued that could have been addressed by LPR. RC wants to do whatever they can to make our City safer. He noted that LPR systems are in place in many places every day including officer cars, retail centers and is a tremendous asset to law enforcement. This helps identify stolen vehicles and respond more quickly. Concerns about privacy and who has access can be addressed through the system, and the system only identifies plate numbers not person driving. Multiple nearby Cities are currently working with similar LPR programs. He confirmed that response time to access images would be immediately if notified of stolen vehicle entering, and within several hours if investigating an issue that happened overnight. A strict audit record is kept of who is accessing data and why. Having LPR data helps put a vehicle in a certain place at a certain time for prosecution.
- Dan Erickson, Director of Waverly Gardens Presbyterian Homes, spoke about their cameras and current LPR program, and indicated its usefulness in addressing issues they have had on their property.

- Mark Houge, President of North Oaks Company, spoke in favor of the program to help deter crime, and noted there are good locations designed for placing the equipment at both the new subdivisions Hill Farm Condominium's and Spring Farm. He noted the Sherriff's office currently has a trailer mounted camera system in place at Spring Farm development to deter repeated thefts they have had on the construction sites in this new neighborhood.
- Various Residents spoke both in favor and against the License Plate Reader program, including:
 - Alex Smith, 2 Falcon Lane – unnecessary due to such little crime, cost, intrusion of privacy. Can get same results with other initiatives and standard prevention protocol.
 - Jim McGillis, 67 Deer Hills Court – questions ownership of data and operation of system, what are the policies and protocol for accessing, what are the data practices policy. Is there a lease for the equipment, insurance, subscription fees if on NOHOA property? What is the impact on Ramsey County Sherriff costs and how will pilot program be measured.
 - Attorney Nason stated the LPR data falls under MN data practices. The data itself would be governed under the MN Government Data Practices Act. State statute requires only certain information that can be captured, just license plate/car, along with a required destruction period of data. Access to the data is strictly limited, only those with legal right to access it, to share with Sherriff's department.
 - Sonia Krinke, 73 Deer Hills Court, is not in favor of the LPR cameras and has also signed the Sensible Security petition. Has additional concerns about how the data will be evaluated, and if it deters crime where is crime going to go and does it steer it to other areas of North Oaks that don't have the cameras.
 - Cynthia Buyck, 45 Robb Farm Road, had a mailbox that had an attempted break in to their locked box. The criminal made way around the lake stealing mail. If there had been license plate reader that could have been helpful in identifying the perpetrators and tying it to other doorbell cameras.
 - Franny Skanser-Lewis, 3 Red Maple Lane, feels that the data can be measured and has researched the report of incidents in North Oaks from Ramsey County. Can also look at investigation and prosecution success. She is interested in who is on the task force and if there are specific metrics that have been written to measure the efficacy.
 - Under Sherriff noted that some of the crime data is measured on the highest crime noted in that incident so it may not be completely descriptive of all incidences.
 - Teri Moore, 31 East Oaks Road, near East Rec Center. She is not concerned about more big brother eyes, but with actual prevention vs. a cost benefit analysis, as well as what happens on the prosecutorial side keeping those held accountable. With 6 cameras and without an exact time and many service vehicles, it seems would be extremely difficult to determine where the offending person came from, and may just be a new expenditure while preventing nothing. Feel difficult to make a dent without cameras in everyone's driveways and mailboxes. Waverly Gardens is a different set up that the internal smaller communities within North Oaks, and is concerned it would not be worth the expense.
 - Chris Kroeger, 14 Duck Pass, strongly opposed the license plate cameras. Asks what happens when friends come over to visit, are their license plates now in a database and could they be stopped for as a crime suspect? The Under Sherriff stated no, there must be significant corroborating evidence, this is just 1 tool. The license plate data would be in

database with everyone else coming and going, and would be purged according to standard destruction schedule.

- Evan Schnell, 10 Charles Lake Road, asked if approval from Rapp Farm Sub-Association has been gained. Councilor Shuman stated they are working with Rapp Farm Sub-Association President John Hertzog. Schnell asked if NOHOA has to give approval. Councilor Shuman stated each property owner must give approval to put it on their land. Schnell would like more clarity on whether this is a NOHOA program or a City program.
- Fredrik Johnson, 26 Meadowlark Lane, stated when they moved into their home they had to sign a lot of documents regarding rules and covenants they must abide by. He is curious how we plan to get 75% of homeowners get approval to change the covenants, since he feels this could be an invasion of privacy. He also asks if this is a done deal, or still under consideration.
- Mark Peterson, 3 Snowy Owl Lane, feels the case being made is this would be a good assist to law enforcement. He doesn't feel this would make much difference as a deterrent. He is disappointed that there is not more clarity on how it would be a deterrent to crime.
- Manny Steil, 25 Robb Farm Road, lived in North Oaks since 1964 when there were gates at the 4 main entrances. He feels the pilot project would give a good view to whether it makes a difference. He's had 2 break ins since he has lived here into his home. Fed Ex materials were stolen from porch last week, but when people come into your home it leaves a different impact to your safety. He encourages City and NOHOA to help law enforcement when needed. The amount of traffic going through North Oaks has greatly expanded, however the 4 entrances cover at least ½ the number of people of North Oaks. He applauds the effort to try the pilot project, and feels there are many more in North Oaks that feel the same way.
- Rick Kingston, 5 Island Road, feels it is important topic for our community, and we should compare our normalized data per population with incidence rate of crimes to adjacent communities. He asks whether the home invasions could have been prevented by this system, through identifying stolen vehicles coming in our community. Feels important that we should be doing everything can be done to proactively protect, before something worse happens. He feels this is just one tool in a lot of things that can be done to improve safety in our community, as others see our community as an affluent target.
- Jon Hertzog, 30 Rapp Farm Boulevard, President of the Rapp Farm Association. The safety topic has come up in their community numerous times, but they did not have the bandwidth to take on the complexity of the various aspects. Grateful for Councilor Shuman to take this on and encourage the City to come up with an extensive set of procedures, documentation, privacy concerns and policies that they can share with their homeowners. Needs to be able to explain to Rapp Farm members how this would work, and redirect questions to Council that can't be answered before kicking off the pilot.
- Nancy McNee, 11 Sunset Lane, would like to know if the City is going to install the LPR on private NOHOA property and if so, does that change our private status. Shuman responded that they would be on NOHOA property with their permission.
- Peter Loegering, 2 Blue Spruce, noted it is a difficult topic for a private community such as this. Safety is always a top priority for this community. He would like to advocate for the community to be somewhat flexible with the pilot project to test whether it would be helpful to prevent crime. He is for the project, but also concerns about what about those

coming to wedding, golf course, etc. for those that may be driving in Community that have warrant arrest. Would event receive squads responding. Concerned over who can get the data and who controls the audit trail, but does feel it is it worth the \$30 per household to give it a try.

- Chad Eslinger, 1 Island View Lane, thanks the Council for their attention to the matter. He was originally against this proposal, but has researched the study and talked to others in other communities in different states that have gone this direction and has changed his mind and is now completely in favor. He feels it is the right project to test the system.
- General concerns included:
 - Who can access the data
 - How long retained
 - Cost of program & how to measure its success
 - Security of information
 - With low crime in North Oaks, if actually needs vs. cost of system
 - Infringement on Privacy
- General Support included:
 - Any security measures such as this to deter crime is helpful
 - Law enforcement would know right away if stolen car enters Community
 - Some wanted even more efforts like gates
 - Law enforcement is supportive of LPR, and supports our efforts to keep safe community
 - Provides helpful data to prosecute offenders
 - Data rolls off after 60 days
 - Specific and clear audit trail of who has accessed data & why

4. ADJOURNMENT

MOTION by Shuman, seconded by Azman, to adjourn the meeting 6:40 p.m. Motion carried unanimously by roll call.

Kevin Kress

Kevin Kress, City Administrator

Krista Wolter

Krista Wolter, Mayor

Date approved 2-8-2024

North Oaks Safety and Security Initiative – Questions and Answers

The following questions have been raised related to the installation of automated license plate reader (ALPR or LPR) cameras at certain entrances to the City. Answers are listed below the questions.

1. How does the purchase of LPR's, using city (government) fund, affect a private community (North Oaks) in maintaining its private status?

The City may expend City funds to protect public health, safety, and welfare. The City may legally provide for the installation of ALPR reader cameras at the discretion of the Council. If the City installs the ALPR cameras, the data created, collected, and maintained by the City or anyone acting on behalf of the City is subject to the Minnesota Government Data Practices Act (MGDPA). Data that is classified as private data or nonpublic data is generally accessible only to the subject of the data (if any).

2. How is the private status (of North Oaks) then affected by the ongoing use of city funds to maintain the LPR's?

The City may expend City funds to pay for the on-going maintenance and use of the LPR cameras.

3. Is there a written project plan outlining the details of the project and the pilot phase including, but not limited to, duration, objectives, and metrics to determine whether the pilot phase is successful?

Implementation and installation of the system will flow through the vendor's project management system. The Ramsey County Sheriff's Office (RCSO) will track and report all metric and data and report to NOHOA and the NOCC per current practices. If the city administrator determines additional reports are necessary – he and staff will be responsible for creation, implementation, and reporting. Our objective is to pilot the system for 1yr then evaluate.

4. Which North Oaks organization will be legally responsible for administering the project both during the pilot phase and, if successful, permanently thereafter (e.g. the City Council or NOHOA)?

If the City enters into a contract with the LPR vendor, it would be the City's responsibility to administer the contract with the LPR vendor.

5. What will happen to the system if future City Councils or future NOHOA Boards elect to not fund the system? Will each sub-association be required to decide whether or not to maintain and fund the program?

If the City chooses not to continue to use LPR cameras, it would need to terminate (or allow the automatic termination following the initial contract term) the contract. Regardless of what decision the City Council makes regarding the LPR cameras, NOHOA and/or sub associations may make their own decisions regarding installation of LPR cameras.

- 6. Are there written policies and procedures in place and approved by the legally responsible North Oaks organization governing the program, data access, privacy matters, data protection, and liabilities regarding the use of the data? If yes, please provide all such documentation for review. If no, please confirm that such policies and procedures will be adopted prior to the institution of the pilot program and the date by when such documentation will be completed for RFHA Board's review?**

The data created, collected, and maintained from the LPR cameras pursuant to a contract between the City and the vendor would be subject to the MGDPA. State statutes require that data collected from a LPR must be destroyed no later than 60 days from the date of collection. Data other than LPR data is required to be retained in accordance with the City's records retention schedule.

- 7. In addition to policies and procedures regarding use and data access, what procedures will the legally responsible North Oaks organization have in place before the pilot phase to mitigate and respond to any potential leak, theft, or other loss of the data collected from North Oaks citizens, whether contained on a server in North Oaks or on the Microsoft Azure system at the Microsoft data center? If should be noted that Microsoft reported a data breach of its Azure platform as recently as September 2023.**

Genetec and the RCSO will own all policies and procedures regarding use and data access. Genetec and the RCSO will be responsible to immediately report any leak or theft of data (per their current policies and procedures).

- 8. Will the city procure cybersecurity insurance to protect itself and its residents from any potential data breach liability?**

Genetec is required to maintain insurance as it collects and stores data for thousands of customers.

- 9. How will the city respond to subpoenas potentially requesting access to the data in civil lawsuits? Specifically, if the legally responsible North Oaks organization receives such a subpoena, how will such an organization challenge the subpoena and/or inform the North Oaks resident subject to the lawsuit in a timely manner to allow the citizen to respond and/or challenge the subpoena?**

If the City receives a civil subpoena for the ALPR data, it can respond accordingly. The MGDPA provides a process for objecting to the discovery of data pursuant to a court order, and gives the presiding officer the ability to order notification of data subjects, and the issuance of protective orders.

Deb Breen

From: Erin Morgan via City of North Oaks, MN <cmsmailer@civicplus.com>
Sent: Monday, January 8, 2024 6:41 PM
To: NOaks
Subject: City council meeting

Follow Up Flag: Follow up
Flag Status: Flagged

Caution: This email originated outside our organization; please use caution.

Submitted on Monday, January 8, 2024 - 6:41pm
Submitted by anonymous user: 2600:387:15:512::2
Submitted values are:

==Your Message Details==
Subject: City council meeting
Message:
Hello,

I am not able to attend this week's special meeting, so I wanted to write to express my concerns about the plan to monitor license plates in North Oaks, even as a pilot project.

The city has recently released crime data through 2023, and it is clear that not only is crime per capita in North Oaks the lowest in the area, but it is also clear that crime rates have been falling over the past several years.

I believe it is not reasonable to expend significant resources to engage in monitoring that will sacrifice citizens' privacy in an attempt to make the safest place in the metro "safer."

When I began considering a move to North Oaks, I was concerned about the history of exclusionary practice and racism in the city's heritage. I was relieved that there were no more gates, and I hoped that the city's population had moved past a fear-based "us and them" approach to privacy.

Further, I have lived in a community in which entrance and exit was monitored, and the near universal opinion of those residents was that the process made for great inconvenience for residence and contractors or visitors, and very little impact whatsoever on crime.

I was very disappointed to see the progression of Intensifying discussions about combating the nearly nonexistent crime in our

town, and very dismayed to see the movement to a project like this, without a wider vote, or feedback sought from the population at large.

I am asking that my comments be read at the meeting, or at least consider by the Council and the Mayor. I would like to see how slower process, with more opportunity for input from citizens, as well as attention paid to the damage we can do by focusing on keeping people out and monitoring who comes in.

I appreciate the work you do, and the difficult decisions that you make, and I respectfully submit these perspectives to you, knowing that we can have different perspectives and still appreciate each other as neighbors.

Thank you very much for your consideration,

Erin Morgan
6 Black Lake Rd.

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Zip Code:

The results of this submission may be viewed at:

<https://www.northoaksmn.gov/node/2/submission/1256>