

Summerset City Commission
Regular Meeting
Summerset Municipal Building
7055 Leisure Lane
Thursday, September 3rd, 2026, 6:00 P.M.

Mayor Kitzmiller called the regular meeting to order at 6:00 p.m. Commissioners Pulscher, Markham and Hirsch were present. The City Attorney and City Finance Officer were also present.

Mayor Kitzmiller led in the Pledge of Allegiance.

Commissioner Markham gave the invocation.

Call for Changes

Commissioner Markham disclosed a conflict of interest with Item #10, as she resides on High Meadows Rd.

Motion by Pulscher, second by Markham to approve the agenda of the regular meeting of the Summerset City Commission for September 3rd, 2026, as presented. Motion carried.

Citizen Input – None

Consent Calendar

Approval of the Minutes

Motion by Hirsch, second by Pulscher to approve the minutes of the regular meeting held on August 20th, 2026, as presented or amended. Motion carried.

Approval of Claims

Motion by Pulscher, second by Hirsch to approve the claims to the amount of \$174,149.98 from August 20th, 2026, to September 2nd, 2026. Motion carried.

A&B Business \$45.00; Alliance Technical Group \$375.50; Ambrose, Jonathon \$50.00; American Legal \$195.00; Birgen, Nicholin \$50.00; Block, Brenna \$4,133.40; Cahoy, David \$50.00; Cardmember Services \$7,104.13; Doty, Jason \$50.00; Fischer, Lisa \$50.00; HDR Engineering \$1,000.00; Hirsch, Clyde \$50.00; Jamie Steele Construction \$14,779.63; Kayl, Anthony \$206.00; Kitzmiller, Michael \$50.00; Kotermanski, Kevin \$50.00; Madison National Life \$52.00; Markham, Gwenn \$50.00; MDU \$224.22; Meade County Register of Deeds \$30.00; Midwest Playscapes \$77,649.80; Pulscher, Jordan \$50.00; Ryan, Kailie \$50.00; Schieffer, Lisa \$50.00; Thom Flamboe, Race Wheels Consulting \$600.00; Tru-form Construction \$56,879.96; USA Bluebook \$2,702.20; TeGantvoort, Larry \$7.00; Nye, Stephanie \$37.28

Approval of Payroll – August 2026 (SDCL 6-1-10)

Motion by Hirsch, second by Markham to approval Payroll for August 2026. Motion carried.

Dept. 4000 - \$14,887.10 Wastewater
Dept. 4110 - \$1,749.99 Commission
Dept. 4120 - \$1,916.67 Mayor
Dept. 4140 - \$12,718.21 Finance
Dept. 4210 - \$41,566.39 Police
Dept. 4310 - \$18,968.59 Streets
Dept. 4652 - \$1,400.00 Planning & Zoning

Utility Billing Adjustments

Motion by Pulscher, second by Markham to approve the utility adjustments of \$29.19 for the period of August 1st - August 31st, 2026. Motion carried.

***Noted For the Record – Commission Reports are in the packet for viewing.**

Flock Safety Systems - Discussion

Motion by Markham, second by Pulscher to open discussion. Motion carried.

Mayor Kitzmiller opened the discussion. Chief Nasser presented a PowerPoint outlined the Flock camera system.

Public comments were provided by Mike Martin, Laurence Hastings, Logan Behnke, Gary McDuffie, Abigail Ruda, Nicholas Dibello-Hitta, Laurie Potthoff, Senator John Carley, William Waggoner, Jake Young, Will Lind, Kortney Smith, David Weeldreyer, and Mitchell Burdick. Written comments from Senator John Carley and William Waggoner were submitted for inclusion in the minutes.

Motion by Pulscher, second by Hirsch to close discussion. Motion carried.

Agreement for Professional Services HDR – High Meadows Paving

Motion by Hirsch, second by Pulscher to open discussion. Motion carried.

Mayor Kitzmiller stated that previous discussion on High Meadows Road emphasized the need for accurate specifications. Public Works Superintendent Anthony Kayl reported that the agreement authorizes HDR to complete a design and identify property pins and jurisdictional boundaries for the City of Summerset. Mayor Kitzmiller noted concerns about the road and stated that addressing the issue requires time and to identify funding.

Motion by Pulscher, second by Hirsch to close discussion. Motion carried.

Motion by Pulscher, second by Hirsch to approve the Agreement for Professional Services HDR – High Meadows Paving. Motion carried.

Utility Work in the Right-Of-Way Application

Motion by Hirsch, second by Pulscher to open discussion. Motion carried.

Mayor Kitzmiller stated that the item is a draft Utility Work in the Right-Of-Way application. City Attorney Wheeler reviewed the application.

Motion by Pulscher, second by Markham to close discussion. Motion carried.

Motion by Pulscher, second by Hirsch to approve the Utility Work in the Right-Of-Way Application and a fee of \$2500. Motion carried.

City of Summerset Easement Application

Motion by Pulscher, second by Markham to open discussion. Motion carried.

City Attorney Wheeler stated that the item is an Easement Application, and that he had reviewed it. He recommended that the fee be \$1500.

Motion by Pulscher, second by Markham to close discussion. Motion carried.

Motion by Pulscher, second by Markham to approve the City of Summerset Easement Application with a fee of \$1500. Motion carried.

2024 Building Data Rates

Motion by Hirsch, second by Markham to open discussion. Motion carried.

Mayor Kitzmiller stated that city was adopting the International Code Council Building Valuation Data Rates-August 2024.

Motion by Markham, second by Pulscher to close discussion. Motion carried.

Motion by Pulscher, second by Markham to adopt the 2024 Building Data Rates. Motion carried.

Resolution 2026-07 A Resolution Setting Certain Fees

Motion by Markham, second by Hirsch to open discussion. Motion carried.

Mayor Kitzmiller stated that the changes were highlighted in yellow and that the fee for siding applications was crossed out. Public Works Superintendent Anthony Kayl stated that, pursuant to state law, it is illegal to charge a fee for siding applications.

Motion by Pulscher, second by Markham, to close discussion. Motion carried.

Motion by Markham, second by Hirsch to approve Resolution 2026-07, A Resolution Setting Certain Fees with changes brought forward. Motion carried.

Second Reading of Ordinance 2026-03 Amending 151.053 Final Plats

Motion by Pulscher, second by Markham to open discussion. Motion carried.

City Attorney Wheeler stated that this was the second reading regarding changes to the language in Section D (9) concerning the Register of Deeds.

Motion by Hirsch, second by Pulscher to close discussion. Motion carried.

Motion by Pulscher, second by Markham to approve the second reading of Ordinance 2026-03, Amending 151.053 Final Plats. Motion carried.

Motion by Markham, second by Pulscher to adopt Ordinance 206-03, Amending 151.053 Final Plats. Motion carried.

Payroll Change – Police Department

Motion by Markham, second by Pulscher to approve Kyle McSherry step increase to Grade 18, Step C at \$29.61 effective August 26th, 2026. Motion carried.

New Hire – Police Department

Motion by Markham, second by Hirsch to approve the hire of Tyler Cameron at Grade 18, Step C at \$29.61 effective September 14th, 2026. Motion carried.

Resignation Planning & Zoning Board Member – Brittnei Bjorum

Motion by Hirsch, second by Markham to approve the resignation of Brittnei Bjorum effective August 28th and authorize the City Administrator to post an opening for an alternate Planning & Zoning Board Member. Motion carried.

Upcoming Events

- City Offices will be closed Monday, September 7th, 2026, for Labor Day.

Executive Session

Motion by Markham, second by Hirsch to enter Executive Session at 8:21 p.m. to discuss contractual matters. Police Chief Rich Nasser and Public Works Superintendent Anthony Kayl were also requested to be present. Motion carried.

Motion by Pulscher, second by Markham to exit executive session and return to regular session at 8:41 pm. Motion carried.

Adjournment

Motion by Pulscher, second by Markham to adjourn at 8:42 p.m. Motion carried.

(SEAL)

ATTEST:

Lisa Fischer
Finance Officer

Michael Kitzmiller
Mayor

Published once _____ at the total approximate cost of \$_____.

Mayor Kitzmiller, members of the City Commission, and City Administration,

I am speaking today as a South Dakota Constitutional Advocate Against Mass Surveillance. While we recognize municipal efforts to address public safety, this notice serves to lay out the exact constitutional and statutory standards this administration must uphold regarding Automated License Plate Readers.

As public officials, this administration answers directly to the sovereign citizens who employ you and fund our municipal infrastructure. We expect local government to reflect rigorous adherence to supreme law.

To protect the residents of Summerset, local policy must uphold these concrete statutory pillars:

First, the Ninth Amendment and the First Amendment: under *United States v. Guest*, the Supreme Court established that citizens possess a fundamental constitutional right to travel freely and anonymously on public highways. Citizens do not waive their rights simply by using public roadways, nor can local government subject their daily movements and free association to a centralized corporate AI database.

Second, maintaining a Republican Form of Government under Article IV, Section 4 of the U.S. Constitution: mass tracking creates an unconstitutional chilling effect on free speech and political assembly.

Third, nullifying general warrants under Article VI, Section 11 of the South Dakota Constitution and SDCL 23A-35: city commissions have zero legal authority to execute digital dragnet searches through private corporate networks without individualized probable cause.

Fourth, statutory property rights under SDCL 31-18-2 and SDCL 31-3-1: abutting landowners hold legal title to the centerline of public roads. Mounting AI-powered cameras on private soil or easements without authority violates private property protections under Article VI, Section 13 of our State Constitution.

Fifth, closing private backdoors: city administration must explicitly forbid local law enforcement from utilizing private corporate databases to bypass municipal oversight and judicial warrants under SDCL Title 23A.

Sixth, statutory good faith: contracting with private entities to create loopholed surveillance violates the implied covenant of Good Faith and Fair Dealing under South Dakota law.



Outlook

Summerset - Flock camera Documents - prep study for Thursday

From John Carley <John.Carley@sdlegislature.gov>

Date Mon 8/31/2026 7:36 PM

To Lisa Schieffer <lschieffer@summerset.us>

Cc Michael Kitzmiller <mkitzmiller@summerset.us>; Gwen Markham <gmarkham@summerset.us>; Clyde Hirsch <chirsch@summerset.us>; jpulsher@summerset.us <jpulsher@summerset.us>; Brielle Schrock <bschrock@summerset.us>; Nicholin Birgen <nbirgen@summerset.us>

Hello Summerset City Council.

I would like to submit some documents for your review before the Flock Camera Discussion on Thursday, since citizens are concerned about this , as am I.

Please distribute them to anyone I haven't copied and incorporate this email and its contents into the minutes. Please also read through this important matter.

First, some questions:

1. Are you aware of the Flock camera controversy and willing to consider removing them/ending contract?
2. Is the purpose of the meeting to determine the balance of safety vs. 4th amendment protections from warrantless searches?
3. While there may be claims of "less theft/crime", have those been 3rd party independently audited/verified? Where is the difference in numbers so that the citizens can determine if their lack of privacy is justified by the actual reduction of crime stats?
4. Law enforcement has been done for many years without these AI cameras, why must they be used now? Just because something makes life easier, does not make it a reason to impose a video surveillance state upon the citizens against their will.
5. Is the commission aware the city of Aberdeen (3rd largest city in SD) recently cancelled all Flock Camera installations?

Recent Articles/research/news:

1. FL Governor Desantis - "Calls License Plate Readers 'Out of Control'"
2. TX Governor Abbott - "Moves to cut state funding for AI-powered Flock cameras amid privacy concerns"
3. MO US Senator Hawley - "writes letter to Flock Safety's CEO: 'Congress never authorized the network your industry has built'"
4. KY US Senator Rand Paul - "The 4th Amendment protects Americans against unreasonable searches, and retracing where someone drove for 5 months is a search. And it's why I take issue with surveillance networks like Flock"
5. #1 Podcast in world Joe Rogan - "I know it can protect people from crime. But I also know hundreds of cops have been busted for stalking people...You can't just spy on us and be a corporation and have access to all the license plates"

6. Rapid City Post - "GTFD: Get the Flock Out (of South Dakota)"
7. Keloland, Aberdeen Mayor Schaunaman- "announced that the city does not plan to install license plate reader cameras in the Aberdeen area"
8. Foxnews: Red State Lawmakers nationwide - "flock surveillance spreads across the South as red-state lawmakers seek to ax '1984'-style tracking tools."
9. Texas Law Enforcement Officer - "unplugged the flock cameras and told the company to come get its garbage out of a free society"
10. Arizona city stops use of Flock cameras - "after police employee abuses system for personal use"
11. Flock CEO Langley - "opted to blur his house because he thinks he deserves the right to privacy"
12. City Council terminates Flock contract - "after 1.6 million unauthorized searches found by outside agencies compared to 5000 in city, contract axed"
13. Flock CEO - "says we need to balance liberty and safety: "What we have to prioritize as a country is compromise"
14. Extracurricular Flock Activity - "6 Georgia police employees terminated for using Flock cameras to stalk people"
15. Resources:
www.stopflock.com www.stopflocking.us www.fliptheflock.org www.deflocktheusa.com

Pros: can be used to catch criminals

Cons:

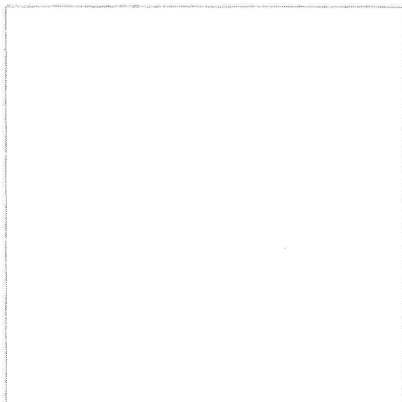
- A. establish travel patterns for business owners, elected officials, everyday citizens
- B. Data can be obtained by others it is not intended for
- C. High Costs
- D. Regularly misused
- E. Private company owns all the data - rent it out to other entities, even if supposedly "anonymized"
- F. No warrant required for info
- G. Data can be tied together with phones, cars, for geofencing and even more data collation

As Benjamin Franklin said:

"Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety."

Please consider these important matters.

Thank you



John Carley

Senator, District 29
Meade, Pennington, Butte Counties
Piedmont, SD

Joint Committee on Appropriations
Senate Appropriations