

STATE OF SOUTH DAKOTA)

IN CIRCUIT COURT

: SS

COUNTY OF MINNEHAHA)

SECOND JUDICIAL CIRCUIT

*In the Matter of Conditional Use Permit
CU-022527-2026, Smithfield Packaged
Meats Corp., Applicant.*

49CIV26-_____

MONTE & THERESA BURGGRAFF,
MARSHALL & PATTI GUTHRIE,
DANIEL & TRACY KOSKELA, WANDA &
BILL OSMAN, MELANIE & BRIAN
PAAPE, ALLEN L. PAULSEN, CARRIE
RISE, MARQ RADDATZ,
JOHN & DEBRA SCHULTE,
LONNIE & NANCY SIMON,
LOREN & PHYLLIS THOMPSON,
KEVIN & ROXY WHARTON,

Petitioners,

PETITION FOR WRIT OF
CERTIORARI
(SDCL 11-4-25, -25.1)

v.

CITY COUNCIL, CITY OF SIOUX FALLS,

Respondent,

COMES NOW the Petitioners, namely, MONTE & THERESA BURGGRAFF,
MARSHALL & PATTI GUTHRIE, DANIEL & TRACY KOSKELA, WANDA & BILL
OSMAN, MELANIE & BRIAN PAAPE, ALLEN L. PAULSEN & CARRIE RISE, MARQ
RADDATZ, JOHN & DEBRA SCHULTE, LONNIE & NANCY SIMON, LOREN & PHYLLIS
THOMPSON and KEVIN & ROXY WHARTON (collectively, "Petitioners," each residing at
the address in rural Minnehaha County and on the parcels identified in Appendix A, two (2)
pages in length, annexed and incorporated by this reference), by and through their undersigned
attorneys of record and now respectfully state to the Court as follows:

Introduction

1. Petitioners present this Petition for Writ of Certiorari, with their separate verifications being annexed, alleging that a certain resolution adopted by Sioux Falls City Planning Commission (“Commission”), upon an affirmative vote of 6-1,¹ entered during the Commission’s session held March 4, 2026 (the “Decision”), after public hearing held by the Commission that date (the “Hearing”) in the course of administering certain provisions of the City’s Zoning Ordinance, as amended (the “Zoning Ordinance”), concerning a conditional use permit (“CUP”) pursued by Sioux Falls Development Foundation (“Foundation”) and Smithfield Packaged Meats Corp. (“Smithfield”) for a 211-acre site in Foundation Park (the “CUP Site”).

2. The Commission’s March 4th Decision was timely appealed by Petitioners to Sioux

3. Falls, City Council (“Council,” as Respondent herein), which appeal was then heard on March 17, 2026; after hearing from Petitioners, other interested persons, and the Anticipated Intervenor, the Council, upon a unanimous vote, resolved to affirm the Commission and to issue approval of the Conditional Use Permit (“CUP”), as identified in the caption hereof

4. The CUP is tied or directly related to a proposed Tax Increment Financing (“TIF”) as created by City’s Ordinance No. 18-26; the ordinance was first read March 10, 2026, with second reading March 17, 2026, moments after the CUP was unanimously approved.

¹ Planning Commission Member Dana Fischer voted “no” because of the applicant’s failure to address the interests of adjoining property owners, including Petitioners; this failure is grounds for review as sought by Petitioners, all of whom are “adjoining property owners.” *See* www.siouxfalls.gov/government/boards-commissions/planning-commission, meeting video for 3/4/2026, at 2:34.

Ordinance No. 18-26 was approved by a considerable majority of the Council. Notice of adoption was published March 20, 2026 and projected to become effective April 9, 2026.

5. Smithfield (also sometimes referenced as “Applicant”), having acquired the assets of John Morrell & Co. some years ago, proposes to discontinue operations at the old Morrell facility near Falls Park in downtown Sioux Falls (hereafter, “Downtown”) - the old property in Downtown, it is understood, will be acquired by the Foundation and demolished for redevelopment. Smithfield projects costs of \$1.3 billion to acquire the CUP Site in Foundation’s “Foundation Park” in Section 13 of Benton Township, and develop a new “state-of-the-art” slaughter plant. North Marion Road (471st Ave.) borders the CUP Site on the west, and County Road 130 (258th St.) bordering along the north.² Whether a \$50 million gift to the Foundation from a local benefactor includes funds for purposes of purchasing the old Morrell plant, or is focused on re-development costs, is unknown to Petitioners.

6. The news that the Smithfield-Morrell plant proposed to move from Downtown to Foundation Park struck the entire community, including Petitioners, like a violent storm on February 16, 2026 (the “Announcement Date”). Many in this community (including various representatives and officials of the State) were overjoyed at this news, with the notable exception of Petitioners. The Petitioners, through this announcement, learned that their respective residential properties had been enlisted to serve as little more than embedded landscape features

² The identified Avenue and Street are each presently two-lane roads; each of Petitioner’s residences *also* enter onto one or the other of these roads. Smithfield’s packing plant will introduce an estimated 400 additional Class 8 heavy truck movements each day on these roads, *not* to mention the traffic flow for more than 3,000 plant employees getting to work and return. A traffic study has not been done at this point.

at the CUP Site.³ Petitioners, quite naturally, are unwilling to continue to dwell in the immediate vicinity of even a “state-of-the-art” *abattoir*, or slaughter plant.

7. Given the abutting and proximate land use proposed by Smithfield, the Announcement Date news instantaneously destroyed the fair market value and desirability of Petitioners’ residential properties for use as single-family dwellings. Several Petitioners who entertained placing their homes on the market were advised by knowledgeable real estate brokers that it is too late for that approach as with disclosure, no one wishes to purchase an existing home near a hog slaughter plant, other than perhaps those willing to speculate on an array of former residential properties, all at steep discount, for possible future use as a supporting industrial site.⁴

8. Not everyone at or near the CUP Site is in the same dire straits as Petitioners; certain neighbors of Petitioners, whose residential properties are arrayed along the south side of County Road 130 (258th St.), located adjacent to the CUP Site, were approached by the Foundation in the weeks or months leading up to the Announcement Date, for purposes of negotiating a purchase of such residential properties by the Foundation. Any known details of these fortunate few (hereafter, “Former Neighbors”), are disclosed in Appendix A.

9. Appendix A begins with a non-color version of the CUP Site Map, as prepared by City – the plant location is noted by hatch marks, surrounded by white rectangular or square

³ Some of the broad smiles on February 16, 2026, must have been forced, as Petitioners believe many of the City’s leaders and officials, along with those of the Foundation, knew of the Smithfield plan long before February 16, 2026 – many, many months before. The keeping of secrets can be admirable, but in this case, such is to the extreme prejudice of those who are the adjoining property owners at the CUP Site.

⁴ With some 400 heavy truck movements daily at the CUP Site, the truck operators will likely be on the lookout for a convenient place to wash trailers, fuel tractors, and whatnot. None of the Petitioners are truck stop developers; they are parents, grandparents and so forth, fond of outdoor activities at their residences.

shapes, these such being the homes of Petitioners (and a few others), as well as those of the Former Neighbors. At the second page of Appendix A, the white shapes are lettered (A to Q, inclusive) to reflect the various homes now arrayed along the west and north margins of the CUP Site. Details as to ownership and assessed valuations are included.

10. According to the Foundation's president, Bob Mundt ("Mundt"), in further addressing the City Council (Respondent) on March 17, 2026⁵, the properties of "Former Neighbors" were acquired by Foundation in order to accommodate the required lay-out features of the proposed Smithfield plant, including a future expansion to the north, fully extending to the south side of County Road 130 (258th St.). According to Mundt, the Foundation has neither the need nor the interest in acquiring more property, including the residential properties of Petitioners, apart from those that had been owned by the Former Neighbors.⁶

11. Mundt appeared with Smithfield representatives in a recent meeting to assure both the Planning Commission and City Council that the proposed packing plant was to be built with the latest in technology and thus would not pose a nuisance to adjoining property owners, including Petitioners.⁷ However, Mundt, on behalf of Foundation, had recently concluded the

⁵ Petitioners appealed the Commission's approval entered March 4, 2026 (CU-022527-2026, also noted in City's minutes as CU-016085) to City Council, as Respondent herein, leading to Respondent's hearing of March 17, 2026, and a further unanimous approval (8-0); a motion was approved for a further condition for a minimum 10' landscape berm directly east of employee entrance on 258th St., continuing east to east property line. *See* minutes at amv.siouxfalls.gov/OnBaseAgendaOnline/Meetings/Search. A slightly higher berm and a few more trees placed thereon do *nothing* to benefit or sate Petitioners' concerns. This change appears to have been prompted by the public comments and urgings of Crooks mayor Butch Osoby.

⁶ The properties of Former Neighbors are listed in Appendix A, Table 2, at p. 2, as N, O, P and Q.

⁷ Petitioners maintain that no person with ordinary sensibilities would wish to have their "detached dwelling" (Form DD) placed within 1,000 feet, or even 1,500 feet, of an *abattoir*. Whatever else might be a recognized land use within City's Form WM2, a hog slaughter-house intuitively seems to be *the* use that is *least in harmony* with a residential use. The City's failure to impose special restrictions for that specific use is itself indicative of an intended "Taking." Petitioners did not build their homes next to Smithfield – rather, Smithfield is being permitted (or urged, actually) by City to go out into Benton Township and

series of property acquisitions from the Former Neighbors, as referenced herein. In the case of Former Neighbor Clausen, as former owner of Parcel 98574, Mundt informed that owner that in a few years – without revealing the Smithfield proposal - she would *not* want to be living there.⁸

12. Foundation Park, lying north of McCrossan's Boy's Ranch, was created some 10 or 12 years ago, in Section 24, and then expanding northward into Section 13, Benton Township, Minnehaha County.

13. The residential properties of Petitioners, as shown in Appendix A, are: (a) immediately adjacent to the CUP Site in Section 13 (parcels G, J and M); (b) immediately west of 471st Ave., in adjacent Section 14 (parcels I, K and L); or (c) immediately north of 258th St., in adjacent Section 12 (parcels B, C, D, E, and F). The listed five parcels in Section 12 are also in the immediate area of the N, O, P and Q properties of the Former Neighbors, recently acquired by the Foundation, and now comprising part of the CUP Site in Section 13. Once the expected plant expansion of Smithfield is completed in the future, the plant itself will be a mere few hundred feet (estimated at 400' as the precise measurement is not shown in Appendix B) from the five parcels located in Section 12, while parcels G, J and M will be displayed, much like an array of quaint, obsolete landscape ornaments, at or near the several entrances to the Smithfield slaughterhouse.

14. The decision of the City Council, made on March 17, 2026, leaves Petitioners no place to turn, and with no present legal remedy for the immediate harm the City Council's

locate *there*, hard up against the lots and homes of Petitioners. The Court is invited to again look at Appendix A.

⁸ Petitioners have no doubt of Mundt's veracity in *this* particular instance.

decision (the “Decision”) has inflicted on Petitioners. The Decision is an exercise of quasi-judicial powers, to be reviewed within the constraints of SDCL § 11-4-25 and -25.1.

15. In the City’s haste⁹ to give Smithfield every possible reason to build this new packing plant within the margins of Sioux Falls, the Zoning Ordinance has been manipulated to accomplish what is a travesty for nearby landowners. The intentional crashing of a heavy industrial activity, with thousands of commuting employees, a plant that emits both odors and noise, and whose supply needs are attended to by some 400 heavy class truck movements each operational day – into the immediate backyards of the Petitioner’s homes.

16. This collision between real estate interests is happening *now, in real time*, in Benton Township’s Section 13, with the new, proposed Smithfield plant about to be placed hard up against the property lines of, or in an immediate proximity to, the Petitioners’ residential properties. Each remaining just outside of the jurisdictional limits of the City and are part of the A-1 Agricultural District, as regulated by Minnehaha County (or City of Crooks in one instance) under the provisions of the County’s Ordinance MC16-90.

17. In addition to the unforeseeable slashing of the Petitioner’s property values, this action taken by the Respondents places multiple known and unknown weights on the backs of the County and taxpayers who, until now, have not foreseen the need to dramatically increase infrastructure in that area, but now will have no option, but to put out millions of dollars into ensuring the roads are expended and supported sufficiently to allow for the dramatic increase in traffic.

⁹ For critics who claim the City never makes a quick decision, please consider this timeline: Announcement Date was February 16, 2026, Planning Commission approved the CUP on March 4, 2026, followed by an appeal to City Council, with a “Decision” entered March 17, 2026. Petitioners, for their part, have yet to catch their breath.

18. There has been no environmental impact study done to ensure this project will be allowed. There has been no consideration of potential lawsuits based on inappropriate government takings (as Petitioners now grapple with a majority of their estate's being devalued into the dust), and there has been no comprehensive plan of any kind done to ensure this project will be doable.

19. The plan employed here seems to have been simply that of ramming the CUP down the throats of the County Commission and City Council so quickly that little thought can be given to the pertinent details on the front end. Once approved, there will then be pressure to simply finish what has been started by whatever means necessary.

20. The Petitioners wish to leave the environs of the CUP Site, just as quickly as they can – but they are now unable to sell their respective homes, as no one in their right mind, other than scalpers and scavengers or future truck stop developers, would buy such a home in the immediate vicinity of a place where more than 20,000 hogs meet their end, each and every working day, with thousands of added vehicles, including 400 Class 8 trucks, coming and going daily. While the Foundation would seem to be *the* most likely buyer of these distressed homes, the Foundation proclaims that it isn't buying!¹⁰

¹⁰ The Court should note the CUP challenged herein is linked with City's Ordinance 18-26, which was read the second time and then adopted by City Council, 7-0, also on March 17, 2026. The ordinance approves the project plan for Tax Incremental District Number Twenty-seven ("TIF 27"). Published notices for the ordinance and subsidiary resolutions appeared in *The Dakota Scout*, March 20-26, 2026, at A7, *et seq.* TIF 27 essentially embraces the CUP Site (other than the properties acquired from Former Neighbors), for the funding of Smithfield's need for water treatment facilities, to the tune of about \$90 million. This Petition mentions but, of course, does not challenge Ordinance 18-26; pending legislative changes to the TIF statutes, by means of SB228, introduced February 4, 2026, *may* help explain why the City's bodies, exercising quasi-judicial powers, were in a hurry to then meet the requirements of Smithfield. SB228, as amended, was signed into law, effective July 1, 2026.

The Standard of Review by Writ of Certiorari

21. SDCL § 11-4-25 provides that persons “aggrieved by any decision of the board of adjustment may present to a court of record a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality.” The statute further provides the petition is to be presented to the Court within thirty (30) days after the filing of the decision in the office of the board.¹¹

22. Petitioners believe, for purposes of the statute, Respondent City Council functions as a board of adjustment, given the further provisions of SDCL § 11-4-25.1 (adopted in 2018, and amended in 2021):

Any appeal of a decision granting or denying a conditional use permit shall be brought under a petition, duly verified, for a writ of certiorari directed to the approving authority and, notwithstanding any provision of law to the contrary, shall be determined under a writ of certiorari standard regardless of the form of the approving authority. The court shall give deference to the decision of the approving authority in interpreting the authority’s ordinance.

23. Few if any cases have applied this recent statute as to the meaning of “writ of certiorari standard” in reviewing municipal determinations on a CUP; hence, considering the identical standard applicable to county “board of adjustment” determinations, arising under Chapter 11-2, SDCL, seems helpful.

24. Judicial review of county land use decisions by means of a writ of certiorari was first introduced by the legislature in 2000, as exemplified by SDCL § 11-2-61 and -61.1. Admittedly, this is the *narrowest* of all possible avenues of review – as noted in *Powers v.*

¹¹ The filing date of the Decision is not known to Petitioners, but it certainly could not have transpired *earlier* than March 17, 2026, the date of the hearing by City Council. Petitioners have thus assumed the Decision was filed with the City’s Clerk on March 17, 2026.

Turner County Board of Adjustment, 2022 S.D. 77, ¶ 27, 983 N.W.2d 594, the current review statute¹² limits review – the questions are: (a) whether the board of adjustment had jurisdiction, and (b) whether the board pursued in a regular manner the authority conferred upon it. The Court is *not* to review whether the board’s decision is right or wrong.

25. In *Dunham v. Lake County Commission*, our state Supreme Court in reviewing an action by a board of adjustment stated, “*We will sustain the lower tribunal’s decision ‘unless it did some act forbidden by law or neglected to do some act required by law.’*” (quoting *Armstrong v. Turner Cty. Bd. of Adjustment*, 2009 S.D. 81, ¶ 12, 772 N.W.2d 643, 648).” 2020 S.D. 23, ¶ 10, 943 N.W.2d 330, 333. (Emphasis added).

Sioux Falls City Council Failed to Comply with Statutory Requirements

A. City Council Failed to Identify or Comply with a Comprehensive Plan

26. The Sioux Falls City Council has a duty, pursuant to SDCL § 11-4-3, to ensure they have had opportunity to consider a “comprehensive plan” prior to planning and zoning actions and in this case, they did not do so.

27. The City Council, County Commission, and all Boards and subdivisions of those governmental entities have an affirmative duty to comply with the law as they engage in the responsibilities of local governance. In addition to that, the public should be the beneficiary of truth, trust, and transparency when it comes to stewardship of the public’s resources.

¹² SDCL § 11-2-61.1, applicable to county land use matters, being the counterpart to § 11-4-25.1, applicable to the City’s Decision.

28. SDCL § 11-2-12 and 11-4-3 are consistent and complimentary statutes, which require the City Council to have identified a “comprehensive plan” consistent with the requirements of a County “comprehensive plan”. The stated duty of the city comprehensive plan per SDCL 11-4-3 is to:

lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district, and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

SDCL § 11-4-3.

29. In this instance, the City Council’s actions as well as the actions of the County Commission have failed to comply with the law as is clearly set forth in SDCL Chapters 11-2 and 11-4. Those laws identify the duty of the Commissions, Councils, and associated Boards. The list of items which the Commission and City Council have failed to identify and address, and which are essential to a comprehensive plan pursuant to SDCL § 11-4-3 and SDCL § 11-2-12 are:

a. Protecting the tax base.

- i. The Council’s action REMOVES the taxation of several properties AND reduces the actual and presumably assessed value of the remaining properties.
- ii. The Council’s action facilitates the unnecessary ‘gifting’ of \$90,000,000 of taxpayer money to one of the wealthiest billionaires in the world, who also happens to be a Chinese Communist Party member who has served as a deputy in their congress for the CCP. In fact, there has not been a thorough public analysis of whether the proposed move actually complies with the purpose and intent of Tax Increment Financing.

Encourage a distribution of population or mode of land utilization that will facilitate the economical and adequate provision of:

- b. Transportation / Lessen congestion in the streets.**
 - i. NO definitive transportation plan has been developed. Even though there has been no traffic study, it is somehow believed that a magical solution will be found to address ingress and egress from surrounding properties and the entire area around the city of Crooks;
 - ii. NO consideration for how the county and township will address the obvious concentration of traffic as it affects everyone in the Crooks area;
 - iii. NO analysis of the actual count of trucks and cars both coming and going from each of the more than a dozen businesses situated in that development.
- c. Roads.**
 - i. NO stated plan as to what will happen to local city, township and county roads.
- d. Air.**
 - i. No stated information outside the unsupported assurance of Mr. Mundt that because the proposed packing plant was to be built with the latest in technology, it would not pose a nuisance to adjoining property owners. However, his comments to former landowners in the area appear to contract this assurance.
 - ii. This claim that a “state-of-the-art construction will result in no adverse impact on the surrounding area” has been made often in such contexts and found later to be false. Examples include ‘state-of-the-art’ slaughterhouses such as the ones in Tar Heel, North Carolina, Des Moines, Iowa, Idaho Falls, Idaho and others, many of which are owned by the same Chinese-owned Smithfield corporation. There are other Midwest-based meat processing facilities that continue to emit odors that adversely impact surrounding property owners, but that is the nature of such facilities.
 - iii. Claims that ‘state-of-the-art’ is going to solve the tradition problem of air quality are simply not supported here. There is no reason to believe a large packing facility such as Smithfield will not drastically diminish the air quality of Petitioner’s and that of other surrounding residents.
- e. Water supply.**
 - i. NO stated plan as to whether there has been thorough consideration of water availability or needs, nor has there been any representation that there has been compliance with EPA requirements which will certainly apply in regard to a facility of this magnitude using water and utilities to this extent.
- f. Drainage.**
 - i. NO Corp of Engineers study as to supply, use, treatment, and reintroduction of water into the environment.
- g. Sanitation.**
 - i. No public disclosure or coordination as to reintroduction of partially or fully treated water into the river.
 - ii. No site management plan is evinced in the Planning Commission’s Staff Report showing approval by the SD Health Dept., as required in SF City Code 165.352 (a) (2).

h. Education.

- i. NO conversation with the Tri-Valley School District as to how this move will affect their staffing and facilities needs over the next decade or two.
- ii. NO conversation with the Sioux Falls School District as to the likely move of many students to another district.

i. Recreation.

- i. NO plan for anything associated with an improved quality of life. Nor has there been consideration of the impact this entire plan has or will have on the McCrossan's Boys Ranch.

j. Other public requirements.

- i. NO plan for local administrative needs and concerns. In effect, the ongoing development of Foundation Park has simply abused the Crooks area and placed their rural culture, property values, and access in second place to the whims of a select few who are now claiming a 'generational' victory of economic development.
- ii. Mitigation of the loss of value to the property owners is a requirement of the law. Sadly, it has been clearly and publicly stated that those who have coordinated this proposed transaction are unwilling to mitigate the loss of value which is now a reality for those who live or own property near the proposed site.

k. Lessen governmental expenditure.

- i. NO reduction of local cost, but instead the 'powers that be' have decided that they (on behalf of the taxpayers) will give one of the richest men in the world an additional \$90 MILLION DOLLARS to 'sweeten the deal'; and
- ii. This will increase the financial demands for all aspects of utilities, road construction and maintenance, school district expansion and attendant building construction as well as staffing, social services, publicly supported housing, and associated administrative costs.

l. To conserve and develop natural resources.

- i. The CUP authorization is solely for the financial and political gain of a handful of individuals. It does nothing to conserve the use of local farm land, and nothing to conserve the available water supply or existing wildlife.

m. To conserve the value of buildings.

- i. The action of the Council and Commission clearly has the opposite effect for all of the surrounding landowners as well as the likely decrease in value of the property owned by residents of nearby towns, such as Crooks.

30. At best, any of these legally required considerations were clearly shown to be 'after thoughts' during the recent CUP meeting. The CUP conditions were revised by the Council members 'on the fly' as they were being presented with competing thoughts and

recommendations, all of which appeared to be more of a band-aid approach rather than a well-considered plan to comply with the Council's duty of 'due diligence'.

31. In addition to all of those violations of law, the net effect of the actions of the City Council as well as the County Commission has been the immediate reduction of value of any of the parcels of real estate within the immediate vicinity of the proposed packing plant. And it is quite clear that the overall impact of the proposed plan is that the residents within the city of Crooks have already been adversely affected due to the likely changes upon local transportation, schools, and community livability.

32. Those Chapters both set forth consistent and complimentary images of the duty of those Commissions, Councils, and Boards. The relatively brief amount of time spent addressing even the most basic issues related to this CUP and zoning ordinance have entirely failed to deal with the many appurtenant issues which it implicates. In addition, such things as school districts and other housing development issues have also not been addressed but will certainly be affected as a huge population of workers shifts towards that direction of the city/county.

33. In addition to these many issues and certainly others not laid out here, there appears to have been no consideration of a plan for anything associated with an improved quality of life. Nor has there been consideration of the impact this entire plan has or will have on the McCrossan's Boys Ranch.

34. In effect, the ongoing development of Foundation Park has simply abused the Crooks area and placed their rural culture, property values, and access in second place to the whims of a select few who are now claiming a 'generational' victory of economic development.

35. Mitigation of the loss of value to the property owners is a requirement of the law. Sadly, it has been clearly and publicly stated that those who have coordinated this proposed

transaction are unwilling to mitigate the loss of value which is now a reality for those who live or own property near the proposed site.

36. This action by the Council, far from complying with their above stated duty also imposed, on behalf of the taxpayers, an additional \$90 MILLION DOLLAR tax incremental financing (TIF) to one of the richest men in the world to 'sweeten the deal'. This will increase the financial demands for all aspects of utilities, road construction and maintenance, school district expansion and attendant building construction as well as staffing, social services, publicly supported housing, and associated administrative costs. This action appears to be solely for the financial and political gain of a handful of individuals. It does nothing to conserve the use of local farm land and nothing to conserve the available water supply or existing wildlife.

37. At best, any of these legally required considerations were clearly shown to be 'after thoughts' during the recent CUP meeting. The CUP conditions were revised by the Council members 'on the fly' as they were being presented with competing thoughts and recommendations, all of which appeared to be more of a band-aid approach rather than a well-considered plan to comply with the Council's duty of 'due diligence'.

38. SDCL § 11-6-1 and 11-2-1 set forth mirror definitions which are applicable here and has defined "Comprehensive plan" in subsection 2 as "any document which describes in words, and may illustrate by maps, plats, charts, and other descriptive matter, the goals, policies, and objectives of the municipality to interrelate all functional and natural systems and activities relating to the development of the territory under its jurisdiction." The final line of the Planning Commission's Staff Report notes, without any elaboration, that a comprehensive plan has been set forth, but *such a plan has yet to be evidenced in any form.*

39. In addition to all of those violations of law that the Council has leapt into, the net effect of the actions of the City Council as well as the County Commission has been the immediate reduction of value of any of the parcels of real estate within the immediate vicinity of the proposed packing plant. It is quite clear that the overall impact of the proposed plan is that the residents near it and within the city of Crooks have already been adversely affected due to the likely changes upon local transportation, schools, and community livability.

B. City Council Violated Zoning Ordinances

I. The City Council has exceeded the authority granted it under SDCL § 11-4-4.2 in approving the zoning ordinance and conditional use permit (CUP) in this matter.

40. City's Zoning Ordinance makes provision for a Conditional Use Permit:

A conditional use is any use that, owing to certain special characteristics attendant to its operation, may be permitted in a zoning district subject to the evaluation and approval by the planning commission. A conditional use is subject to requirements that are different from the requirements imposed for any use permitted by right in the zoning district. Ord. 9-13, passed 3-19-2013, § 160.005, Definitions.

41. The Zoning Ordinance also makes provision for Variance – “Permission to depart from the literal requirements of a zoning ordinance.” *Id.*

42. At this point in time, it is unclear as to whether there is a documented trail of compliance with the City's own ordinances, especially as this applies to the existence and placement of a slaughterhouse. In recent years there has been significant controversy as to the creation of any slaughterhouses within either the city or county. In fact, such a proposal was brought as a referendum and defeated by a public vote. Specifically, city ordinances contained in Chapters 158 - 160 regarding the requirements and definitions of Zoning and Industrial use are

drawn into question due to difficulty finding record of many elements required by the relevant code cited here, including the required publication of Notice of the meeting.

43. Petitioners' request for a Writ will allow the opportunity to obtain any existing documents to verify or address these concerns and substantiate their claims.

44. Section 160.037, Zoning Ordinance, describes the Heavy Industrial (I-2) district. The intent is "to provide for heavy industrial uses that may create some nuisance and which are not properly associated with, nor compatible with, residential, office, institutional, or planned or neighborhood commercial establishments." Further, "[a]dditional standards are included within this district to help mitigate some of the operations of these forms and uses." This section of the Zoning Ordinance goes on to reference a "primary form: warehousing and manufacturing-heavy (WM2t)."

45. Form WM2 is further addressed in Section 160.350, Zoning Ordinance; the form is allowed only in the I-2 District (§160.351). Section 160.352 further provides that certain uses shall be a "principal use" when the building or premises is the primary or predominant use of any lot. This is followed by a reference to "Permitted special" – that term is defined, under the heading of "Use, Permitted Special" in Zoning Ordinance's Section 160.005, as: "A permitted use that *must* comply with additional special requirements including restriction and specific siting and transition mitigation standards." (Emphasis supplied.)

46. In now taking the definition of "Use, Permitted Special" with us back to Section 160.352, Petitioners will further note that in (a)(1) thereof, the concept of a "Permitted special"

for a “Heavy manufacturing, process and assembly” further *requires* ^[13] that such an operation is to be placed not closer than “1,000 feet from DD, AD or MD forms.”

47. Although Petitioners’ homes are all under the zoning jurisdiction of Minnehaha County,^[14] while the lots within Foundation Park – including the CUP Site – are under the jurisdiction of City, Petitioners submit that each of their homes are regarded, by the City’s Zoning Ordinance, as Form DD – namely, a “detached dwelling.”

48. Under South Dakota law, Petitioners would submit, those seeking a Conditional Use Permit (CUP) are agreeing to assume and bear certain burdens upon their use of property. Such burdens are caught up in the meaning of “[a] conditional use is subject to requirements that are different from the requirements imposed for any use permitted by right in the zoning district.” SDCL § 11-4-4.2. Further, Petitioners respectfully submit, the concept of “requirements” as used in the statute also means an “enhanced requirement” – *not* one that is either lessened or lightened.

49. Re-stating the arguments of above a bit differently, the Conditional Use Permit sought by Smithfield purports to *lower or lessen* the required separation distance from a detached dwelling (Form DD) that the Zoning Ordinance would otherwise require ^[15] for a Form WM2 – that required distance is lowered (or eased) from 1,000 feet to something *less* than 1,000 feet. A map provided by the City’s zoning office is annexed as Appendix B (also known as “Concept Site Plan”), incorporated by this reference.

¹³ As in “must,” as stated in Section 160.005, Zoning Ordinance.

¹⁴ Except for the home of Petitioners Simon, which is within the boundaries of City of Crooks.

¹⁵ Again, as in “must.” *See* Section 160.005, definition of “Use, Permitted Special.”

50. The entire point of requiring a separation distance of 1,000 feet is for the purpose of mitigating the adverse consequences arising from the fact that a given home *must* be at least that distance from a meat packing plant or other Form WM2 enterprises. Thus, the required separation distance is a burden on the CUP Applicant and the CUP Site, while posing as *some* benefit to others living nearby.

51. The extremely adverse consequences, now weighing upon Petitioners, would be mitigated *only if* the issued CUP, for this CUP Site, required a separation distance of at least 2,000 feet from the packing plant to a home.¹⁶ No practical thinking individual would even attempt to make the case that the circumstances for mitigation of deleterious circumstances (such as noise and odors) are *improved* by a *decreasing or lessening* to merely 600 feet (as one possible example).

52. Appendix B is the "Concept Site Plan" for the CUP Site in question. The northeastern corner of Petitioner Guthries' property ("M" as marked and shown in Appendix A) is *precisely* 1,000 feet from the southwestern corners of the "Rendering, Boilers & Grease Loadout" facility, as well as the plant itself, all as shown on Appendix B. The east property line of "J" (owned and occupied by Petitioner Raddatz) is said to be 1,527 feet due west of the "welfare" portion of the Smithfield plant. Meanwhile, the three lots or parcels in the northwest corner of the CUP Site (including Parcel "G" owned and occupied by Petitioners Thompson) are

¹⁶ The increased separation distance increases the burden on Applicant's CUP Site, while decreasing the burden of negative factors (noise and odor) on adjoining property owners; the CUP granted by the City, on the other hand, works completely in reverse: the burden on adjoining property owners (Petitioners) is increased, being now forced to live and enjoy life at an even closer distance to a packing plant, while lessening the restrictive burden on the CUP Site. This outcome confounds the statutory meaning of conditional uses and variances.

at least 1,474 feet to the northwest corner of the “welfare” portion of the plant. Even so, it is not *enough* distance.

53. Again, with reference to Appendix B, the north side of the proposed “packaged meats” area is now 842’ south of what appears to be the north right-of-way line for County Road 130 (258th St.), meaning it is 842 feet south of the Parcels shown as “D” (Petitioners Simon) and “E” (Petitioners Osman) on Appendix A. To that extent, the layout of the CUP Site is not in compliance with the requirements of the Zoning Ordinance, as referenced above in ¶ 22, *et seq.* What’s worse, however, is the proposed CUP, according to the statements of Jason Bieber given to the City Council on March 17, 2026, gives an advance, green light also for a planned future expansion of the Smithfield plant at this CUP Site. Though the northward reach of that expansion is not clearly documented by Appendix B, the reach can be estimated to *decrease* the separation distance to the Simon and Osman residences by at least half – or roughly 420 feet. Such easing of burdens for Applicant is not the statutory purpose of a CUP under our laws.

54. Attempting to address this present and future non-compliance at the CUP Site by means of a CUP is, in effect, deploying a CUP in order to increase (and shift) the burdens placed upon the adjoining property owners, including Petitioners Simon and Osman. Doing so likewise lessens the land use burdens that either the Foundation – or Smithfield – must continue to bear as property owners at the CUP Site. Such shifting of burdens is *not* consistent with the zoning authority given by the legislature to municipalities. If setback requirements are to be relaxed, the language of the Zoning Ordinance and the legislature’s delegation (SDCL § 11-4-4.2, “[a] conditional use is subject to requirements that are different from the requirements imposed for any use permitted by right in the zoning district”) all suggest that a variance must be deployed for that purpose.

55. To the extent the Planning Commission and City Council have approved a CUP for the CUP Site that approves proposed setbacks to “DD Forms” (otherwise known as the residential properties of Petitioners) that are *less* than as are required by the Zoning Ordinance, the City has exceeded the jurisdiction afforded by the legislature’s delegation of power, and the City’s agencies have also irregularly pursued their authority.

II. City Council Effected Unlawful Government Taking Through Its Violation of Zoning Ordinances

56. The actions of the City Council in this matter constitute an unauthorized governmental taking in that their actions worked a near complete devaluation of the Petitioner’s respective properties without just cause or even consideration.

57. In *Murr v. Wisconsin*, the U.S. Supreme Court defined a governmental taking as, “when the property has been occupied or otherwise seized. In the case now before the Court, petitioners contend that governmental entities took their real property—an undeveloped residential lot—not by some physical occupation but instead by enacting burdensome regulations that forbid its improvement or separate sale.” 582 U.S. 383, 387, 137 S. Ct. 1933, 1939 (2017).

58. This case represents a “Taking” of property interests, by means of a CUP ordered up by the Foundation and Smithfield, as the price of a volitional leaving of Downtown, a land-use right duly delivered to applicants, in great haste and just under thirty (30) days from the Announcement Date. This Taking has already financially injured each of the Petitioners.

59. Whether this Court ultimately affirms or reverses the Decision being challenged herein, the Decision remains an example of the City’s adverse taking of, and damage to, Petitioners’ property interests, without any compensation whatsoever.

60. In the City's haste^[17] to give Smithfield every possible reason to build this new packing plant within the margins of Sioux Falls, the Zoning Ordinance has been manipulated to accomplish the unthinkable, if not the thoughtless – the intentional crashing of a heavy industrial activity, with thousands of commuting employees, a plant that emits both odors and noise and whose supply needs are attended to by some 400+ heavy class truck movements each operational day – into the immediate backyards, and other undesirable proximities, of the Petitioner's homes.

61. The new, proposed Smithfield plant is set to be placed hard up against the property lines of, or in an immediate proximity to, the Petitioners' residential properties, each remaining just outside of the jurisdictional limits of the City.

62. This case represents a "Taking" of property interests, by means of a CUP ordered up by the Foundation and Smithfield, as the price of a volitional leaving of Downtown, a land-use right duly delivered to applicants, in great haste and just under thirty (30) days from the Announcement Date. This Taking has already financially injured each of the Petitioners.¹⁸ The Petitioners wish to leave the environs of the CUP Site, just as quickly as they can – but they are now unable to sell their respective homes, as no one in their right mind, other than scalpers and

¹⁷ For critics who claim the City never makes a quick decision, please consider this timeline: Announcement Date was February 16, 2026, Planning Commission approved the CUP on March 4, 2026, followed by an appeal to City Council, with a "Decision" entered March 17, 2026. Petitioners, for their part, have yet to catch their breath.

¹⁸ Given the extreme haste that has been applied for the benefit of this Applicant, Petitioners also question whether the Due Process Clause requires disqualification of one or more members of City Council for having interests "that tempt adjudicators to disregard neutrality," *Caperton v. A.T. Massey Coal Co., Inc.*, 556 U.S. 868, at 878. The CUP in question is key to *finally* getting the old Morrell plant out of Downtown for good, by placing it in the backyards of Petitioners. This would only require a CUP, should it be allowed by the City Council (which also didn't take very long). Thus, Petitioners seek leave to pursue discovery of each City Councilor (and the Planning Commission members, concerning the March 4, 2026 determination) concerning their personal and private interests, as may be served also by that objective.

scavengers or future truck stop developers, would buy such a home in the immediate vicinity of a place where more than 20,000 hogs meet the end of their days, each and every working day, with thousands of added vehicles, including 400+ Class 8 trucks, coming and going daily. While the Foundation would seem to be *the* most likely buyer of these distressed homes, the Foundation proclaims that it isn't buying!¹⁹

63. Petitioners are unaware of whether the Planning Commission and City Council considered whether the CUP Site would be subject to restrictive covenants, and if so, whether those restraints are consistent with the intended use of the CUP Site.

64. Several years ago, Petitioner Patti Guthrie met with Mundt, in his capacity as president of the Foundation. Their discussion focused on whether the covenants would allow CJ Schwan's to operate at Foundation Park.²⁰ This meeting took place on January 18, 2021 at Mundt's office. At this meeting he advised Petitioner Guthrie that the covenants would *not* allow the killing of live animals at Foundation Park. (Clearly, Smithfield intends to kill some 22,000 head of hogs per day at this site.) If so, then what covenants are proposed for the CUP Site of Smithfield? As far as can be determined by Petitioners, the City never once inquired about any

¹⁹ The Court should note the CUP challenged herein is linked with City's Ordinance 18-26, which was read the second time and then adopted by City Council, 7-0, also on March 17, 2026. The ordinance approves the project plan for Tax Incremental District Number Twenty-seven ("TIF 27"). Published notices for the ordinance and subsidiary resolutions appeared in *The Dakota Scout*, March 20-26, 2026, at A7, *et seq.* TIF 27 essentially embraces the CUP Site (other than the properties acquired from Former Neighbors), for the funding of Smithfield's need for water treatment facilities, to the tune of about \$90 million. This Petition mentions but, of course, does not challenge Ordinance 18-26; pending legislative changes to the TIF statutes, by means of SB228, introduced February 4, 2026, *may* help explain why the City's bodies, exercising quasi-judicial powers, were in a hurry to then meet the requirements of Smithfield. SB228, as amended, was signed into law, effective July 1, 2026.

²⁰ November 13, 2024, Jodi Schwan reports the start of a 142-acre project at the Park, a 700,000-square-foot building. *See* siouxfalls.business/cj-sschwans-breaks-ground-on-first-phase-of-massive-sioux-falls-project/

such covenants, nor does it appear that Foundation or Smithfield revealed any proposed covenants. Counsel subscribing this Petition did not participate directly in the hearings before the Planning Commission and City Council, beyond the writing of several letters or emails - if the covenants intended for the CUP Site are *not* part of the record, were not part of any discussion or the Decision, such would seem to be a remarkable lack of curiosity on the part of the City's zoning staff, if not City Council.

65. As noted above, recently, Mundt appeared with Smithfield representatives to assure both the Planning Commission and City Council that the proposed packing plant was to be built with the latest in technology and thus would not pose a nuisance to adjoining property owners, including Petitioners.²¹ Mundt, on behalf of Foundation, however, had very recently concluded a series of property acquisitions from the Former Neighbors, as referenced above. In the case of Former Neighbor Clausen, as former owner of Parcel 98574, address 47155 258th St., with an assessed value of \$988,604, and recently purchased by the Foundation for \$2,300,000, Mundt informed that owner that in a few years – without revealing the Smithfield proposal - she would *not* want to be living there.²² This is the *same* Foundation officer who informed City Council that such properties needed to be acquired in order to locate the project at the CUP Site, but having now acquired the properties of Former Neighbors, the Foundation didn't need any

²¹ Petitioners maintain that no person with ordinary sensibilities would wish to have their “detached dwelling” (Form DD) placed within 1,000 feet, or even 1,500 feet, of an *abattoir*. Whatever else might be a recognized land use within City's Form WM2, a hog slaughter-house intuitively seems to be *the* use that is *least in harmony* with a residential use. The City's failure to impose special restrictions for that specific use is itself indicative of an intended “Taking.” Petitioners did not build their homes next to Smithfield – rather, Smithfield is being permitted (or urged, actually) by City to go out into Benton Township and locate *there*, hard up against the lots and homes of Petitioners. The Court is invited to again look at Appendix A.

²² Petitioners have no doubt of Mundt's veracity in *this* particular instance.

more land at the CUP Site in order to hold the project desired by Smithfield. Discovery as to what was said, and also what Mundt knows or believes about the conditions the Smithfield proposal might bring to the area would seem to be in order – for their part, the Petitioners are no more willing than was Former Neighbor Clausen^[23] to continue to maintain a home in such close proximity to this CUP Site.

66. In urging the City Council for a delay in further consideration and approval of the CUP, the Petitioners also advised they would willingly sell their properties to the Foundation for a price double the current assessed value.²⁴ That offer *remains* open and viable at the writing of this Petition, Petitioners unwilling to find their respective homes as little more than landscape amenities on either side of County Road 130 (258th St.) or North Marion Road (471st Ave.) for the many thousands of daily visitors who, as part of their job duties, will henceforth come to Smithfield's new plant (estimated cost of \$1.3 billion), whether in Class 8 commercial motor vehicles pulling trailer-loads of hogs or finished goods, or commuting to the CUP Site in private cars and other vehicles.

III. The City Council appears to have failed to comply with the required Notice provisions in regard to the Conditional Use Permit (CUP) in this matter.

67. In reviewing the Public Notices, it appears that there is a notice about a public hearing to be held on March 4, 2026 as to the TIF being created. That Notice included a list of parcels in the February 20, 2026 legal notices, but there was nothing about the CUP in that legal publication or any other.

²³ Once Mundt had convinced her that it would not be wise to continue living there.

²⁴ This value is shown in Appendix A, at p. 2, although Mundt disavowed the need or wish to purchase any properties of Petitioners. Regardless, the formula of 2.33 times assessed value is now used in ¶ 36, *infra*, as that is the basis of Foundation's purchase of the home of Former Neighbor Clausen.

C. Touted “Partnership” Between Smithfield, City, and State, Implicates Due Process Concerns

68. Due process is in question due to the overtly coordinated effort in this matter, between the City of Sioux Falls, State of South Dakota, and the Applicant, Smithfield.

69. On the Announcement Date, Smithfield posted a press release on its website, proclaiming – “Smithfield Foods to Build New State-of-the-Art Processing Facility in Sioux Falls, South Dakota,” with the sub-title of “Partnership with City of Sioux Falls and State of South Dakota Represents Defining Investment in American Agriculture.” The release quotes both the City’s Mayor, and the Foundation’s Mundt, but leaves a bit unclear just what the City’s role might be in this “Partnership.” Granted, Applicant’s release (a copy having been annexed as Appendix C, incorporated by this reference) cautions about forward-looking statements, as it is necessary to obtain “zoning approvals, easements and other land use entitlements.” In less than thirty (30) days from the Announcement Date, however, the City Council *had* provided what was required for Smithfield’s new facility, landing right in the midst of Petitioners’ residences.

70. Petitioners are reminded of *Armstrong v. Turner County Bd. of Adjustment*, 2009 SD 81, at ¶ 19-20, 772 N.W.2d 643, holding that the matter of a conditional use permit is quasi-judicial in nature and is subject to due process constraints. Further, “[t]he due process requirement is particularly important when individual property rights are affected.” This includes “fair and impartial consideration” by the board of adjustment. Further, a fair and impartial hearing depends on whether “there was actual bias or an unacceptable risk of actual bias,” citing, rather ironically, to *Voeltz v. John Morrell & Co.*, 1997 SD 69, ¶ 12, 564 N.W.2d 315, 317.

71. So *much* of direct interest to the City and the advocates of Downtown’s further development is riding on this land use right as sought by Smithfield. With it, Applicant now

proposes to leave Downtown behind it as soon as possible. If left wanting, on the other hand, the City is at risk of finding that things might continue on just as they have for more than a hundred years. *Yes*, the City had a role to play in this “partnership,” and *yes*, it is pretty clear that the City delivered to its partner Smithfield and on a timely basis.

72. The City, thus far, has deployed its quasi-judicial powers to favor Applicant Smithfield, and to rule against Petitioners; this Court is urged to intervene, and to ensure that due process is carefully protected until the matter is fully heard and decided on within the bounds of the Council’s authority – not outside it, as has so far been done.

Prayer for Relief

Wherefore, Petitioners now pray for relief as follows:

73. That pursuant to SDCL § 21-31-3 and § 11-4-25 and -25.1, upon such further notice as the Court deems appropriate, the Court issue a Writ of Certiorari to the Respondent, City Council, sitting in effect as the Board of Adjustment.

74. That pursuant to SDCL § 21-31-5 and § 11-4-26, the Court further issue within the Writ a restraining order, preventing the Respondent, or any other board, agency or official of City of Sioux Falls, from taking any further action with respect to the issuance or advancement of any CUP or other permit, building permit or other land use rights, concerning the CUP Site as contemplated by Applicant.

75. That the Court, upon such further proceedings as deemed appropriate, allow Discovery of Evidence by counsel for Petitioners, referee or otherwise.

76. That the Court reverse the decision or determination of the Respondent City Council, in the form of the motion adopted March 17, 2026, or any subsequent determination, if

any, concerning the CUP Site as proposed by Applicant on the grounds as alleged in this Petition.

77. During discovery and the taking of evidence, as may be authorized under the Writ, Petitioners, *inter alia*, intend to inquire of the members of City Council, the members of the County Commission, and Planning Council / Commission, and agents or individuals assisting said Council and Commission as to matters concerning their own personal and private interests in the outcome of having Applicant move out of Downtown, thus allowing the old Morrell site to be re-developed, such as may touch on Due Process Concerns (see note 8, above), and also the Taking of Petitioners' respective residential property interests, such having been accomplished by the action of the City Council on March 17, 2026. Petitioners recognize this Court has a highly limited scope of review, and that other courts, on much different pleadings, must be implored to consider whether the City itself has liability for the harm caused to Petitioners and their protected property interests.

78. Should the Foundation and Smithfield wish to intervene herein as defendants, Petitioners will not object to any such request.

79. Further, if either the Foundation or Smithfield wish to purchase the residential properties of Petitioners appearing in the caption of this petition, such action would likely resolve this dispute. Petitioners now represent to the Court that they – finally having knowledge of the Smithfield proposal - are willing to sell their properties on the same basis as was paid by the Foundation to Former Neighbor Clausen, namely, 2.33 times assessed valuation, as reflected in Appendix A, Table 2.

80. That the Court award costs to Petitioners and against Respondent, for having acted in an absence of proper jurisdiction regarding the Zoning Ordinance, as stated and alleged

hereinabove, or that as the decision of Respondent, City Council, is not in conformity with the requirements of governing law, in that a Conditional Use Permit cannot be deployed to ease the burden on Applicant's development of the CUP Site, while increasing the impact on adjoining property owners, and, therefore, such is illegal.


81. That upon further discovery being permitted, and the taking of evidence, the Court determine the "partnership" between Smithfield and City has resulted in the absence of fair and impartial consideration of this matter, both on the part of the Planning Commission on March 4, 2026, and also by the City Council on March 17, 2026, and a consequential denial of due process to Petitioners.

82. That the Decision of the Respondent City Council be reversed, together with an award of all other relief as may be allowed by law in these circumstances.

Dated this 13th day of April, 2026.

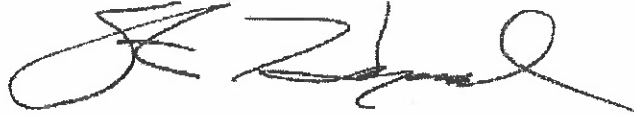
Respectfully submitted,

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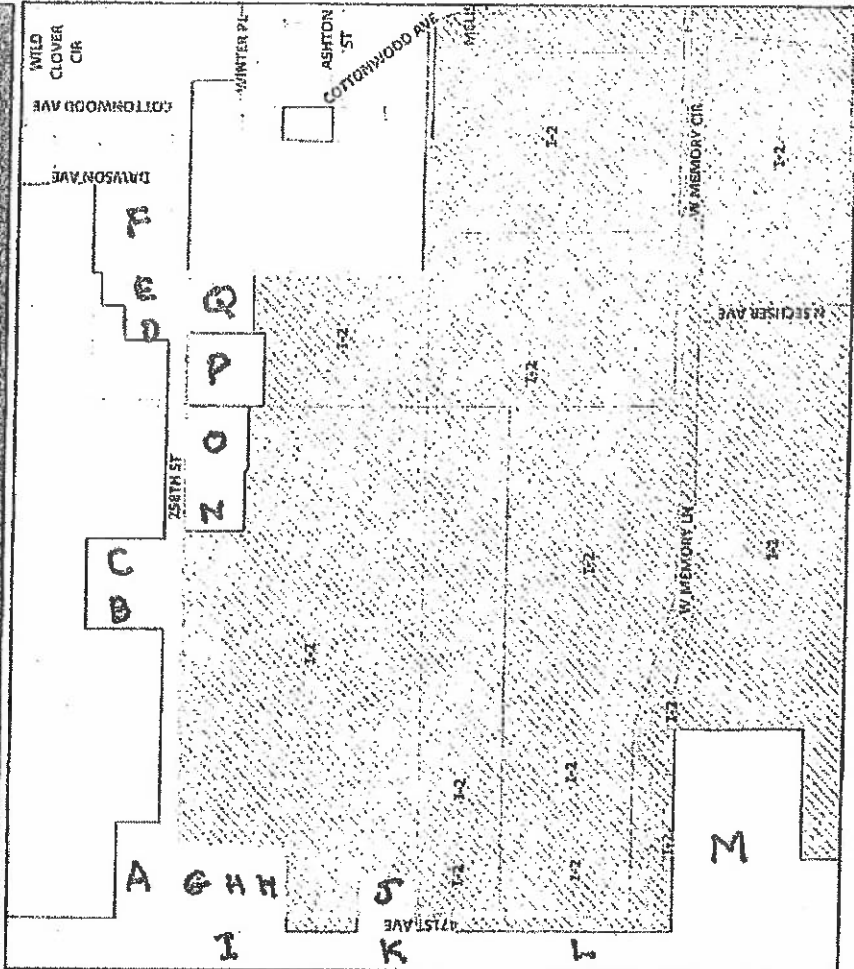


Steven G. Haugaard

Attorneys for Petitioners

(Verification of Petitioners follow on separate pages)

022527-2026 - CONDITIONAL USE PERMIT



Conditional Use Permit for heavy manufacturing, process, and assembly located within 1,000' from DD, AD, or MD forms.

Legend

- Project Boundary
- Civic City Limits
- Sioux Falls City Limits

CITY OF SIOUX FALLS

 0 210 420 Feet

Appendix A

Appendix A, page 2

Key to Residential Properties Adjoining CUP Site
Parcel & Assessed Value Shown in Table 1 for Petitioners Only

Table 1:

Letr. Name	Parcel	Address	Pct.	Ass. Value	Price Pd.*
A Thompson, Joe-Becky	N/A	47106 258 th St.	N	N/A	N/A
B Burggraff, Monte-Theresa	77532	47130 258 th St.	Y	\$659,456	N/A
C Paape, Melanie-Brian	63152	47136 258 th St.	Y	\$561,357	N/A
D Simon, Lonnie-Nancy	97099	47154 258 th St.	Y	\$544,147	N/A
E Osman, Wanda-Bill	80806	47160 258 th St.	Y	\$1,426,731	N/A
F Paulson, A-Rise, C	79592	47168 258 th St.	Y	\$389,072	N/A
G Thompson, Gene-Phyllis	15819	25801 471 st Av.	Y	\$492,720	N/A
H Bicknese, Josh-Jessica	N/A	25806 471 st Av.	N	N/A	N/A
H Bicknese, Josh-Jessica	N/A		N	N/A	N/A
I Schulte, John-Debra	61493	25807 471 st Av.	Y	\$626,730	N/A
J Raddatz, Marg	60545	25822 471 st Av.	Y	\$528,225	N/A
K Wharton, Kevin-Roxy	61494	25827 471 st Av.	Y	\$987,417(A)	N/A
L Koskela, Daniel-Tracy	61495	25841 471 st Av.	Y	\$581,730	N/A
M Guthrie, Marshall-Patti	25854	25854 471 st Av.	Y	\$953,594	N/A
Total of Petitioners (Assessed Value):					\$7,751,179

Note A: Property "K" was purchased in July 2025; new owners, Wharton, then constructed \$650,000 in new improvements not reflected in assessed valuation. Imagine their surprise on February 16, 2026 -

Table 2:

"Former Neighbors" (Homes Sold to Foundation Park)

Letr.	Name	Address	Ass. Value	Price Pd.*
N	Gerlach, Jay-Angela	47139 258 th St.	\$761,728	\$1,600,000
O	Hoekman, Glenn-Sharon	47147 258 th St.	\$513,093	\$746,000
P	Clausen, Lori-Wallen, Brent	47155 258 th St.	\$988,604	\$2,300,000
Q	Leisenger, Corey-Borr, Carly	47159 258 th St.	\$449,402	\$785,000
Total Paid to "Former Neighbors" -				\$5,431,000

* Reflects price paid by Foundation shortly before Announcement Date. Foundation has not purchased any properties listed in Table 1.



Good food. Responsibility.

PRESS RELEASE

Smithfield Foods to Build New State-of-the-Art Processing Facility in Sioux Falls, South Dakota

Partnership with City of Sioux Falls and State of South Dakota Represents Defining Investment in American Agriculture

Sioux Falls, SD, February 16, 2026 – Smithfield Foods, Inc. (Nasdaq: SFD), an American food company and an industry leader in value-added packaged meats and fresh pork, today announced it has initiated the approval process to build a new state-of-the-art packaged meats and fresh pork processing facility in Sioux Falls, South Dakota. The new facility, which is subject to permitting and other regulatory and design approvals, will be built in Foundation Park, a 1,000+-acre heavy industrial park located in northwest Sioux Falls, and will replace Smithfield’s existing plant, which has played a central role in the regional economy for more than 100 years. The company currently employs 3,200 people in Sioux Falls, providing \$200 million in wages annually, and supports thousands of indirect jobs in agriculture and other sectors.

Smithfield’s preliminary estimate of the proposed investment is up to \$1.3 billion over the next three years. The investment is contingent on securing required permits and other regulatory approvals as well as approval of the final facility design by Smithfield’s board of directors.

The proposed combined fresh pork and packaged meats facility will be the most modern of its kind in the U.S., with highly efficient process flow, advanced automation technology and a streamlined design. The new, best-in-class facility will deliver significant efficiency gains to Smithfield’s fresh pork and high-value packaged meats operations.

Smithfield has worked in partnership with South Dakota Governor Larry Rhoden, Sioux Falls Mayor Paul TenHaken and the Sioux Falls Development Foundation on the opportunity to build the new facility outside of downtown Sioux Falls. The new facility will support independent hog farmers, corn and soybean producers and other agricultural sectors that fuel the pork supply chain in South Dakota and the surrounding region.

“This highly automated facility will represent a major investment in Sioux Falls, the state of South Dakota and the future of American agriculture,” said Shane Smith, president and CEO of Smithfield Foods. “Smithfield’s investment supports our long-term strategy of continuing to grow and optimize our value-added packaged meats and fresh pork operations to deliver innovation, convenience and value to our customers.”

“Food security equals national security, so food production and processing will continue to play a vital role in South Dakota’s economy,” said Governor Larry Rhoden. “Smithfield’s proposed investment in South Dakota opens up greater opportunity for our state to expand livestock production, and the company’s decision to relocate from downtown Sioux Falls opens up the opportunity to revitalize the downtown riverfront. This is a win-win-win-win for producers, the company, the city, and the state of South Dakota.”

Appendix C

"Today's announcement marks a historic moment for our city and state. For more than a century, Smithfield has been a cornerstone of our community, and this new, state-of-the-art facility reaffirms their long-term commitment to Sioux Falls and the region—supporting our ag economy and thousands of local jobs for generations to come," said Sioux Falls Mayor Paul TenHaken. "This investment by Smithfield unlocks a once-in-a-generation opportunity to redevelop the existing site in downtown Sioux Falls when the time is right."

"Smithfield's investment in a new facility in Sioux Falls will have a transformational impact on our community and our agriculture economy," said Bob Mundt, president and CEO of the Sioux Falls Development Foundation. "The new facility will bring skilled jobs for Smithfield's workforce, provide renewed value-added agriculture opportunities for regional producers and create an incredible redevelopment opportunity in Downtown Sioux Falls. We're grateful for Smithfield's commitment to Sioux Falls and are looking forward to welcoming them to their new home in Foundation Park."

If approved, Smithfield's new state-of-the-art facility will be constructed in Foundation Park, the state's largest industrial park, at the intersection of Interstates 29 and 90 in Sioux Falls. Site work is expected to begin at the new location in the spring of 2026 with initial groundbreaking anticipated in the first half of 2027 and production expected to begin at the end of 2028.

The video announcement may be viewed [here](#).

#

About Smithfield Foods

Smithfield Foods (Nasdaq: SFD) is an American food company with a leading position in packaged meats and fresh pork products. With a diverse brand portfolio and strong relationships with U.S. farmers and customers, we responsibly meet demand for quality protein around the world.

About Sioux Falls Development Foundation

Since 1954, the Sioux Falls Development Foundation has been leading the way in creating one of the most vibrant, secure, and growing economies in the nation. Founded by a group of far-sighted business leaders, the SFDF is a non-profit economic development corporation with the mission of improving the economy of the Sioux Falls region. We connect businesses with the people, tools and resources they need to be successful.

Forward-Looking Statements

This press release contains forward-looking statements within the meaning of the Private Securities Litigation Reform Act of 1995. All statements other than statements of historical facts contained in this press release, including statements regarding our plans to construct a new facility in Sioux Falls, are forward-looking statements. In some cases, you can identify forward-looking statements because they contain words such as "will," "expects," "expected," "anticipated," or "estimates" or other similar terms or expressions that concern our expectations, strategy, plans, or intentions.

We have based the forward-looking statements contained in this press release primarily on our current expectations, estimates, forecasts and projections about future events and trends that we believe may affect our business, results of operations, financial condition and prospects. Although we believe we have a reasonable basis for each forward-looking statement contained in this press release, the results, events and circumstances reflected in the forward-

PRESS RELEASE

looking statements may not be achieved or occur, and actual results, events or circumstances could differ materially from those described in the forward-looking statements. Factors that may affect our ability to construct a new facility in Sioux Falls, or could delay or increase the costs of construction, include, among others, (1) issues with securing zoning approvals, easements and other land-use entitlements, (2) issues with securing environmental, air, water and waste-management and other federal, state and local permitting, (3) adequacy of water supply, wastewater treatment capacity or other utility infrastructure, (4) community opposition, public hearings or litigation, (5) construction costs, contractor availability, supply-chain disruptions, inflation and labor shortages, (6) transportation, logistics and infrastructure constraints, (7) financing, economic conditions and the availability of incentives or governmental support, and (8) changes in laws, regulations or governmental policies. The forward-looking statements speak only as of the date hereof and, other than as required by applicable law, we undertake no duty to, and expressly disclaim any intent or obligation to, update or revise any statement made in this press release.

There can be no assurance that we will be able to construct the proposed facility in Sioux Falls in a timely or economical fashion or at all. You should consider these risks and uncertainties in evaluating forward-looking statements and should not place undue reliance on the forward-looking statements. It is not possible to anticipate or foresee all risks and uncertainties, and investors should not consider any list of risks and uncertainties to be exhaustive or complete. The foregoing factors should be read in conjunction with the risks that affect our business contained in our SEC filings, including reports on Form 10-K, Form 10-Q and Form 8-K, particularly under the heading "Risk Factors." Copies of our filings are available online from the SEC or by contacting our Investor Relations Department at ir@smithfield.com or by clicking on SEC Filings on our Investor Relations website at investors.smithfieldfoods.com.

Photo caption: Smithfield Foods Preliminary Sioux Falls Facility Design Concept

Contact:

Media:

Ray Atkinson
Smithfield Foods, Inc.
(757) 576-1383
ratkinson@smithfield.com

Investor:

Julie MacMedan
Smithfield Foods, Inc.
ir@smithfield.com

STATE OF SOUTH DAKOTA)
 : SS
COUNTY OF MINNEHAILA)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

*In the Matter of Conditional Use Permit
CU-022527-2026, Smithfield Packaged
Meats Corp., Applicant.*

MONTE & THERESA BURGGRAFF,
MARSHALL & PATTI GUTHRIE,
DANIEL & TRACY KOSKELA, WANDA &
BILL OSMAN, MELANIE & BRIAN
PAAPE, ALLEN L. PAULSEN, CARRIE
RISE, MARQ RADDATZ,
JOHN & DEBRA SCHULTE,
LONNIE & NANCY SIMON,
LOREN & PHYLLIS THOMPSON,
KEVIN & ROXY WHARTON,

Petitioners,

v.

CITY COUNCIL, CITY OF SIOUX FALLS,

Respondent,

49CIV26-_____

PETITION FOR WRIT OF
CERTIORARI
(SDCL §§ 11-4-25, -25.1)

VERIFICATION OF
PETITIONERS MARSHALL &
PATTI GUTHRIE

MARSHALL GUTHRIE and PATTI GUTHRIE, each as Petitioner in the above-referenced matter, and being first duly sworn, state that he or she is familiar with the petition for writ, and the facts stated therein regarding himself or herself, as petitioner, and his or her respective interests therein, and now, he or she does hereby verify the factual allegations are true and correct to the best of his or her information, knowledge and belief.

Marshall A. Guthrie
MARSHALL GUTHRIE, Petitioner

Date: 4-13-2026

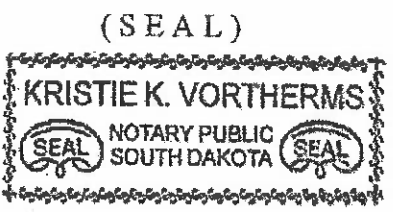
Patti Guthrie
PATTI GUTHRIE, Petitioner

Date: 4-13-2026

Subscribed and sworn to before me, a Notary Public, by said Petitioners, personally known to me, this date: 4-13-26.

My Commission Expires:
2-26-32

Kristie K. Vorthersms
NOTARY PUBLIC - SOUTH DAKOTA



STATE OF SOUTH DAKOTA)
 : SS
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

*In the Matter of Conditional Use Permit
CU-022527-2026, Smithfield Packaged
Meats Corp., Applicant.*

49CIV26-_____

MONTE & THERESA BURGGRAFF,
MARSHALL & PATTI GUTHRIE,
DANIEL & TRACY KOSKELA, WANDA &
BILL OSMAN, MELANIE & BRIAN
PAAPE, ALLEN L. PAULSEN, CARRIE
RISE, MARQ RADDATZ,
JOHN & DEBRA SCHULTE,
LONNIE & NANCY SIMON,
LOREN & PHYLLIS THOMPSON,
KEVIN & ROXY WHARTON,

PETITION FOR WRIT OF
CERTIORARI
(SDCL §§ 11-4-25, -25.1)

VERIFICATION OF
PETITIONERS ALLEN L.
PAULSON & CARRIE RISE

Petitioners,

v.

CITY COUNCIL, CITY OF SIOUX FALLS,

Respondent,

ALLEN L. PAULSON and CARRIE RISE, each as Petitioner in the above-referenced matter, and being first duly sworn, state that he or she is familiar with the petition for writ, and the facts stated therein regarding himself or herself, as petitioner, and his or her respective interests therein, and now, he or she does hereby verify the factual allegations are true and correct to the best of his or her information, knowledge and belief.

Allen Paulson
ALLEN L. PAULSON, Petitioner

Date: 4-13-26

Carrie Rise
CARRIE RISE, Petitioner

Date: 4/13/2026

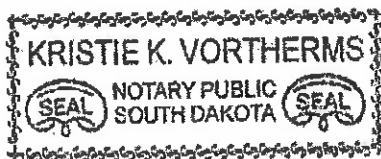
Subscribed and sworn to before me, a Notary Public, by said Petitioners, personally known to me, this date: 4-13-26.

My Commission Expires:

2-26-32

Kristie K. Vorthersms
NOTARY PUBLIC - SOUTH DAKOTA

(SEAL)



STATE OF SOUTH DAKOTA)
 : SS
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

*In the Matter of Conditional Use Permit
CU-022527-2026, Smithfield Packaged
Meats Corp., Applicant.*

MONTE & THERESA BURGGRAFF,
MARSHALL & PATTI GUTHRIE,
DANIEL & TRACY KOSKELA, WANDA &
BILL OSMAN, MELANIE & BRIAN
PAAPE, ALLEN L. PAULSEN, CARRIE
RISE, MARQ RADDATZ,
JOHN & DEBRA SCHULTE,
LONNIE & NANCY SIMON,
LOREN & PHYLLIS THOMPSON,
KEVIN & ROXY WHARTON,

Petitioners,

v.

CITY COUNCIL, CITY OF SIOUX FALLS,

Respondent,

49CIV26-_____

PETITION FOR WRIT OF
CERTIORARI
(SDCL §§ 11-4-25, -25.1)

VERIFICATION OF
PETITIONERS MELANIE &
BRIAN PAAPE

MELANIE PAAPE and BRIAN PAAPE, each as Petitioner in the above-referenced matter, and being first duly sworn, state that he or she is familiar with the petition for writ, and the facts stated therein regarding himself or herself, as petitioner, and his or her respective interests therein, and now, he or she does hereby verify the factual allegations are true and correct to the best of his or her information, knowledge and belief.

Melanie Paape
MELANIE PAAPE, Petitioner

Date: 4-13-26

Brian Paape
BRIAN PAAPE, Petitioner

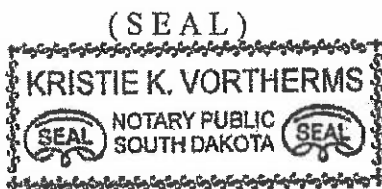
Date: 4-13-26

Subscribed and sworn to before me, a Notary Public, by said Petitioners, personally known to me, this date: 4-13-26.

My Commission Expires:

2-24-32

Kristie K. Vorthers
NOTARY PUBLIC - SOUTH DAKOTA



STATE OF SOUTH DAKOTA)
: SS
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

*In the Matter of Conditional Use Permit
CU-022527-2026, Smithfield Packaged
Meats Corp., Applicant.*

49CIV26-_____

MONTE & THERESA BURGGRAFF,
MARSHALL & PATTI GUTHRIE,
DANIEL & TRACY KOSKELA, WANDA &
BILL OSMAN, MELANIE & BRIAN
PAAPE, ALLEN L. PAULSEN, CARRIE
RISE, MARQ RADDATZ,
JOHN & DEBRA SCHULTE,
LONNIE & NANCY SIMON,
LOREN & PHYLLIS THOMPSON,
KEVIN & ROXY WHARTON,

PETITION FOR WRIT OF
CERTIORARI
(SDCL §§ 11-4-25, -25.1)

VERIFICATION OF
PETITIONERS LONNIE &
NANCY SIMON


Petitioners,

v.

CITY COUNCIL, CITY OF SIOUX FALLS,

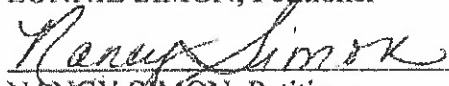
Respondent,

LONNIE SIMON and NANCY SIMON, each as Petitioner in the above-referenced matter, and being first duly sworn, state that he or she is familiar with the petition for writ, and the facts stated therein regarding himself or herself, as petitioner, and his or her respective interests therein, and now, he or she does hereby verify the factual allegations are true and correct to the best of his or her information, knowledge and belief.



LONNIE SIMON, Petitioner

Date: 4/13/2026



NANCY SIMON, Petitioner

Date: 4/13/2026

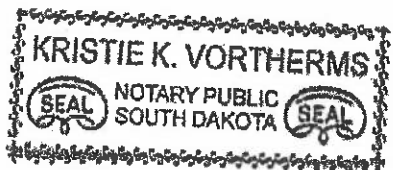
Subscribed and sworn to before me, a Notary Public, by said Petitioners, personally known to me, this date: 4-13-26.

My Commission Expires:
2-26-32



NOTARY PUBLIC - SOUTH DAKOTA

(SEAL)



STATE OF SOUTH DAKOTA)
 : SS
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

*In the Matter of Conditional Use Permit
CU-022527-2026, Smithfield Packaged
Meats Corp., Applicant.*

MONTE & THERESA BURGGRAFF,
MARSHALL & PATTI GUTHRIE,
DANIEL & TRACY KOSKELA, WANDA &
BILL OSMAN, MELANIE & BRIAN
PAAPE, ALLEN L. PAULSEN, CARRIE
RISE, MARQ RADDATZ,
JOHN & DEBRA SCHULTE,
LONNIE & NANCY SIMON,
LOREN & PHYLLIS THOMPSON,
KEVIN & ROXY WHARTON,

Petitioners,

v.

CITY COUNCIL, CITY OF SIOUX FALLS,

Respondent,

49CIV26-_____

PETITION FOR WRIT OF
CERTIORARI
(SDCL §§ 11-4-25, -25.1)

VERIFICATION OF
PETITIONERS WANDA &
BILL OSMAN

WANDA OSMAN and BILL OSMAN, each as Petitioner in the above-referenced matter, and being first duly sworn, state that he or she is familiar with the petition for writ, and the facts stated therein regarding himself or herself, as petitioner, and his or her respective interests therein, and now, he or she does hereby verify the factual allegations are true and correct to the best of his or her information, knowledge and belief.

Wanda Osman Trustee

Date: 4-13-26

WANDA OSMAN, Petitioner

Bill Osman

Date: 4-13-26

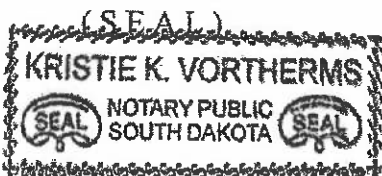
BILL OSMAN, Petitioner

Subscribed and sworn to before me, a Notary Public, by said Petitioners, personally known to me, this date: 4-13-26

My Commission Expires:

2-26-32

Kristie K. Vorthersms
NOTARY PUBLIC - SOUTH DAKOTA



STATE OF SOUTH DAKOTA)
: SS
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

*In the Matter of Conditional Use Permit
CU-022527-2026, Smithfield Packaged
Meats Corp., Applicant.*

MONTE & THERESA BURGGRAFF,
MARSHALL & PATTI GUTHRIE,
DANIEL & TRACY KOSKELA, WANDA &
BILL OSMAN, MELANIE & BRIAN
PAAPE, ALLEN L. PAULSEN, CARRIE
RISE, MARQ RADDATZ,
JOHN & DEBRA SCHULTE,
LONNIE & NANCY SIMON,
LOREN & PHYLLIS THOMPSON,
KEVIN & ROXY WHARTON,

Petitioners,

v.

CITY COUNCIL, CITY OF SIOUX FALLS,

Respondent,

49CIV26-_____

PETITION FOR WRIT OF
CERTIORARI
(SDCL §§ 11-4-25, -25.1)

VERIFICATION OF
PETITIONERS LOREN &
PHYLLIS THOMPSON

LOREN THOMPSON and PHYLLIS THOMPSON, each as Petitioner in the above-referenced matter, and being first duly sworn, state that he or she is familiar with the petition for writ, and the facts stated therein regarding himself or herself, as petitioner, and his or her respective interests therein, and now, he or she does hereby verify the factual allegations are true and correct to the best of his or her information, knowledge and belief.

Loren Thompson
LOREN THOMPSON, Petitioner

Date: 4-13-20

Phyllis Thompson
PHYLLIS THOMPSON, Petitioner

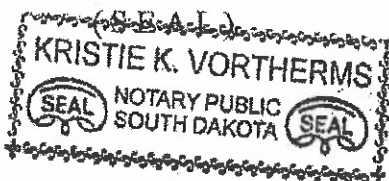
Date: 4-13-20

Subscribed and sworn to before me, a Notary Public, by said Petitioners, personally known to me, this date: 4-13-20.

My Commission Expires:

2-26-32

Kristie K. Vorthersms
NOTARY PUBLIC - SOUTH DAKOTA



STATE OF SOUTH DAKOTA)
 : SS
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

*In the Matter of Conditional Use Permit
CU-022527-2026, Smithfield Packaged
Meats Corp., Applicant.*

MONTE & THERESA BURGGRAFF,
MARSHALL & PATTI GUTHRIE,
DANIEL & TRACY KOSKELA, WANDA &
BILL OSMAN, MELANIE & BRIAN
PAAPE, ALLEN L. PAULSEN, CARRIE
RISE, MARQ RADDATZ,
JOHN & DEBRA SCHULTE,
LONNIE & NANCY SIMON,
LOREN & PHYLLIS THOMPSON,
KEVIN & ROXY WHARTON,

Petitioners,

v.

CITY COUNCIL, CITY OF SIOUX FALLS,

Respondent,

49CIV26-_____

PETITION FOR WRIT OF
CERTIORARI
(SDCL §§ 11-4-25, -25.1)

VERIFICATION OF
PETITIONERS KEVIN &
ROXY WHARTON

KEVIN WHARTON and ROXY WHARTON, each as Petitioner in the above-referenced matter, and being first duly sworn, state that he or she is familiar with the petition for writ, and the facts stated therein regarding himself or herself, as petitioner, and his or her respective interests therein, and now, he or she does hereby verify the factual allegations are true and correct to the best of his or her information, knowledge and belief.


KEVIN WHARTON, Petitioner

Date:

4/13/24


ROXY WHARTON, Petitioner

Date:

4/13/24

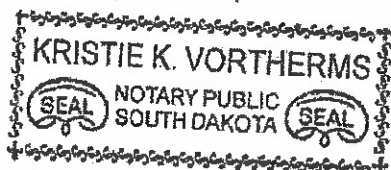
Subscribed and sworn to before me, a Notary Public, by said Petitioners, personally known to me, this date: 4-13-24.

My Commission Expires:

2-26-32


NOTARY PUBLIC - SOUTH DAKOTA

(SEAL)



STATE OF SOUTH DAKOTA)
: SS
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

*In the Matter of Conditional Use Permit
CU-022527-2026, Smithfield Packaged
Meats Corp., Applicant.*

MONTE & THERESA BURGGRAFF,
MARSHALL & PATTI GUTHRIE,
DANIEL & TRACY KOSKELA, WANDA &
BILL OSMAN, MELANIE & BRIAN
PAAPE, ALLEN L. PAULSEN, CARRIE
RISE, MARQ RADDATZ,
JOHN & DEBRA SCHULTE,
LONNIE & NANCY SIMON,
LOREN & PHYLLIS THOMPSON,
KEVIN & ROXY WHARTON,

Petitioners,

v.

CITY COUNCIL, CITY OF SIOUX FALLS,

Respondent,

49CIV26-_____

PETITION FOR WRIT OF
CERTIORARI
(SDCL §§ 11-4-25, -25.1)

VERIFICATION OF
PETITIONERS DANIEL &
TRACY KOSKELA

DANIEL KOSKELA and TRACY KOSKELA, each as Petitioner in the above-referenced matter, and being first duly sworn, state that he or she is familiar with the petition for writ, and the facts stated therein regarding himself or herself, as petitioner, and his or her respective interests therein, and now, he or she does hereby verify the factual allegations are true and correct to the best of his or her information, knowledge and belief.

Daniel J. Koskela

Date: 4-13-26

DANIEL KOSKELA, Petitioner

Tracy A. Koskela

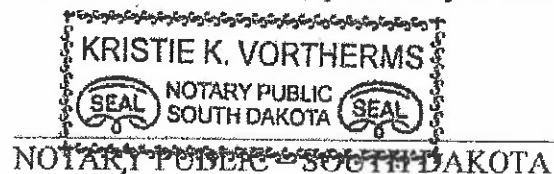
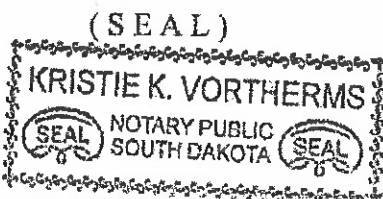
Date: 4-13-26

TRACY KOSKELA, Petitioner

Subscribed and sworn to before me, a Notary Public, by said Petitioners, personally known to me, this date: 4-13-2026.

My Commission Expires:

2-26-32



Kristie K. Vortharms

STATE OF SOUTH DAKOTA)
 : SS
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

*In the Matter of Conditional Use Permit
CU-022527-2026, Smithfield Packaged
Meats Corp., Applicant.*

MONTE & THERESA BURGGRAFF,
MARSHALL & PATTI GUTHRIE,
DANIEL & TRACY KOSKELA, WANDA &
BILL OSMAN, MELANIE & BRIAN
PAAPE, ALLEN L. PAULSEN, CARRIE
RISE, MARQ RADDATZ,
JOHN & DEBRA SCHULTE,
LONNIE & NANCY SIMON,
LOREN & PHYLLIS THOMPSON,
KEVIN & ROXY WHARTON,

Petitioners,

v.

CITY COUNCIL, CITY OF SIOUX FALLS,

Respondent,

49CIV26-_____

PETITION FOR WRIT OF
CERTIORARI
(SDCL §§ 11-4-25, -25.1)

VERIFICATION OF
PETITIONERS MONTE &
THERESA BURGGRAFF

MONTE BURGGRAFF and THERESA BURGGRAFF, each as Petitioner in the above-referenced matter, and being first duly sworn, state that he or she is familiar with the petition for writ, and the facts stated therein regarding himself or herself, as petitioner, and his or her respective interests therein, and now, he or she does hereby verify the factual allegations are true and correct to the best of his or her information, knowledge and belief.

Monte Burggraff
MONTE BURGGRAFF, Petitioner

Date: 4-13-26

Theresa Burggraff
THERESA BURGGRAFF, Petitioner

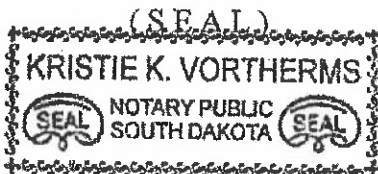
Date: 4-13-26

Subscribed and sworn to before me, a Notary Public, by said Petitioners, personally known to me, this date: 4-13-26.

My Commission Expires:

2-26-32

Kristie K. Vorthersms
NOTARY PUBLIC - SOUTH DAKOTA



STATE OF SOUTH DAKOTA)
 : SS
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

*In the Matter of Conditional Use Permit
CU-022527-2026, Smithfield Packaged
Meats Corp., Applicant.*

MONTE & THERESA BURGGRAFF,
MARSHALL & PATTI GUTHRIE,
DANIEL & TRACY KOSKELA, WANDA &
BILL OSMAN, MELANIE & BRIAN
PAAPE, ALLEN L. PAULSEN, CARRIE
RISE, MARQ RADDATZ,
JOHN & DEBRA SCHULTE,
LONNIE & NANCY SIMON,
LOREN & PHYLLIS THOMPSON,
KEVIN & ROXY WHARTON,

Petitioners,

v.

CITY COUNCIL, CITY OF SIOUX FALLS,


Respondent,

49CIV26-_____

PETITION FOR WRIT OF
CERTIORARI
(SDCL §§ 11-4-25, -25.1)

VERIFICATION OF
PETITIONER
MARQ RADDATZ

MARQ RADDATZ, as Petitioner in the above-referenced matter, and being first duly sworn, state that he or she is familiar with the petition for writ, and the facts stated therein regarding himself or herself, as petitioner, and his or her respective interests therein, and now, he or she does hereby verify the factual allegations are true and correct to the best of his or her information, knowledge and belief.



MARQ RADDATZ, Petitioner

Date: 4-13-26

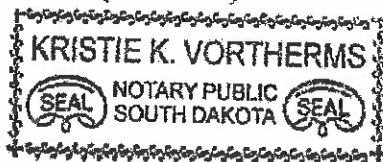
Subscribed and sworn to before me, a Notary Public, by said Petitioner, personally known to me, this date: 4-13-26

My Commission Expires:
2-26-32



NOTARY PUBLIC - SOUTH DAKOTA

(SEAL)



STATE OF SOUTH DAKOTA)

IN CIRCUIT COURT

: SS

COUNTY OF MINNEHAHA)

SECOND JUDICIAL CIRCUIT

*In the Matter of Conditional Use Permit
CU-022527-2026, Smithfield Packaged
Meats Corp., Applicant.*

49CIV. 26-001728

MONTE & THERESA BURGGRAFF,
MARSHALL & PATTI GUTHRIE,
DANIEL & TRACY KOSKELA, WANDA &
BILL OSMAN, MELANIE & BRIAN
PAAPE, ALLEN L. PAULSEN, CARRIE
RISE, MARQ RADDATZ,
JOHN & DEBRA SCHULTE,
LONNIE & NANCY SIMON,
LOREN & PHYLLIS THOMPSON,
KEVIN & ROXY WHARTON,

NOTICE OF APPEARANCE

Petitioners,

v.

CITY COUNCIL, CITY OF SIOUX FALLS,

Respondent,

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF LINCOLN)

Please take notice that Steven G. Haugaard, Attorney at Haugaard Law Office, P.C., and A.J. Swanson, of Arvid J. Swanson, P.C., hereby enters their appearance as counsel for Plaintiffs, Monte Burggraff, Theresa Burggraff, Marshall Guthrie, Patti Guthrie, Daniel Koskela, Tracy Koskela, Bill Osman, Wanda Osman, Melanie Paape, Brian Paape, Allen L. Paulsen, Carrie Rise, Marq Raddatz, John Schulte, Debra Schulte, Lonnie Simon, Nancy Simon, Kevin Wharton, And Roxy Wharton in the above-entitled action. Please serve counsel with all pleadings and filings throughout the duration of the case.

Dated this 20th day of April, 2026.

HAUGAARD LAW OFFICE, P.C.

ARVID J. SWANSON, P.C.

/s/ Steven G. Haugaard

Steven G. Haugaard
1601 East 69th Street, Suite 302
Sioux Falls, South Dakota 57108
(605) 334-1121
Steve@haugaardlaw.com
Attorney for Plaintiffs

/s/ A.J. Swanson

A.J. Swanson
27452 482nd Avenue
Canton, South Dakota 57013
(605) 743-2070
aj@ajswanson.com
Attorney for Plaintiffs

STATE OF SOUTH DAKOTA)
: SS
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

*In the Matter of Conditional Use Permit
CU-022527-2026, Smithfield Packaged
Meats Corp., Applicant.*

49CIV26-_____

MONTE & THERESA BURGGRAFF,
MARSHALL & PATTI GUTHRIE,
DANIEL & TRACY KOSKELA, WANDA &
BILL OSMAN, MELANIE & BRIAN
PAAPE, ALLEN L. PAULSEN, CARRIE
RISE, MARQ RADDATZ,
JOHN & DEBRA SCHULTE,
LONNIE & NANCY SIMON,
LOREN & PHYLLIS THOMPSON,
KEVIN & ROXY WHARTON,

Petitioners,

v.

CITY COUNCIL, CITY OF SIOUX FALLS,

Respondent,

ADMISSION OF SERVICE

I, the undersigned, David Pfeifle, City Attorney for the City of Sioux Falls, do hereby admit to the service of the Petition For Writ of Certiorari in the above-entitled matter by receipt of a true and correct copy thereof in Sioux Falls, South Dakota.

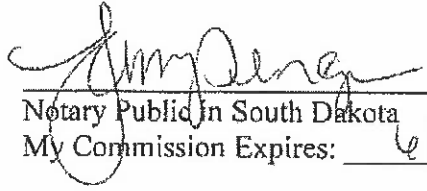
Signed this 15th day of April, 2026.


David Pfeifle

STATE OF SOUTH DAKOTA)
:SS

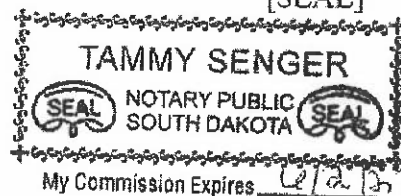
COUNTY OF MINNEHAHA)

Subscribed and sworn before me this 15 day of April, 2026.


Notary Public in South Dakota

My Commission Expires: 6/2/27

[SEAL]



OFFICIAL RECEIPT
MINNEHAHA COUNTY CLERK OF COURT
425 NORTH DAKOTA AVENUE
SIOUX FALLS, SD 57104
605-367-5900

Payor
COPIES

Receipt No.
49-722022

Transaction Date
04/21/2026

Description	Amount Paid	
Miscellaneous Payment		
Copies - \$.20 per page	11.20	
SUBTOTAL	11.20	
PAYMENT TOTAL		
	11.20	
Draw Down Account (Firm Accounts)	11.20	
Tendered		
Total Tendered	11.20	
Change	0.00	
04/21/2026	Cashier	Audit
09:31 AM	Station JSSF10224	24416492

OFFICIAL RECEIPT