



City of Dyersville
City Administrator's Office

June 3, 2026

Teresa B. Morio
Shuttleworth & Ingersoll, P.L.C.
327 2nd Street, Suite 300
Coralville, IA 52241

RE: Nuisance – Lumber Specialties, 1700 Beltline Road NE, Dyersville, Iowa-Task 64152

Dear Ms. Morio,

The City has received your letter of April 17, 2026, regarding the Lumber Specialties facility at 1700 Beltline Road NE and the concerns of your clients, Mona Westermeyer and Peter Adams, of 1304 First Avenue East. The City takes its residents' concerns seriously, and I want to respond to the points in your letter directly.

The City has addressed these concerns with your clients before. On November 22, 2024, I responded by email to the lighting, noise, and tree concerns they raised through Councilmember Singsank, and I explained both the City's authority and the steps available within it. That review and response are documented in the City's records under Task 59232. This letter builds on that response.

I want to begin with one point, because it frames much of what follows. Your letter states that your clients purchased their home long before Lumber Specialties expanded, "per the allowance of the City." The City's role is narrower than that phrase suggests. The building your clients describe sits on Parcel No. 0732127006. That parcel has been zoned I-2 Industrial since the City adopted its original comprehensive zoning ordinance, Ordinance No. 285, on July 1, 1962, and it appears as I-2 on the original Zone District Map adopted with the 1961–1962 Comprehensive Plan. The parcel has carried that designation from the start. No rezoning request was presented to the City, and none was adopted.

In practice, that means the operations on Parcel No. 0732127006 are permitted in the I-2 district under Chapter 165 of the Dyersville Code of Ordinances, and Lumber Specialties may use the property for those purposes so long as it remains in compliance with the I-2 regulations, which it is. When Lumber Specialties applied to expand, the City reviewed the application under the zoning ordinance in effect at the time the building permit application was submitted and issued



the permit in the ordinary course. The City did not grant a special favor. It applied its ordinances as written at that time. A city must allow a use permitted by the Code on land zoned for it.

I note this because your letter relies in part on restrictions adopted under Ordinance No. 649. Those restrictions attach to different parcels and apply at a different location, as the City explained in its April 8, 2026 correspondence with your office. I address that below.

Your letter describes the exchanges your clients have had with Lumber Specialties and its parent company, US LBM Holdings, LLC, beginning with your June 2025 demand letter and continuing through the company's responses in August and September 2025. You report that Lumber Specialties agreed to plant additional evergreen trees and stated that it made lighting and sound improvements, but declined to build a solid fence or to enclose the dust collector, and that your clients view those measures as inadequate.

This direct dialogue is the course the City recommended. In my November 22, 2024 response, I encouraged your clients to keep working with Mr. Stewart at Lumber Specialties on measures the company might take, and to seek legal advice on the matters that fall outside the City's authority. Your clients have done both, and Lumber Specialties has taken some voluntary steps. The City supports continued engagement between the parties.

I want to be clear about the limits of the City's role, as they bear on what the City can do in response to your letter. Tree screening beyond what the Code requires, fencing, enclosure, or sound-housing of private equipment, and changes to private lighting are measures your clients are seeking from Lumber Specialties in a private negotiation. The City is not a party to that negotiation, and it has no authority to require a private business to install a fence, build a sound barrier, or plant trees to resolve a private dispute. To the extent your letter contends that the I-2 buffering provisions of Chapter 165 independently require screening on this property, I address that below. Where the City does have direct authority, most notably over noise, it has used that authority and will continue to do so.

Your letter relies heavily on Ordinance No. 649 and its provision that the sound level "shall not exceed 55 decibels." That provision does not apply to the property at issue, and I want to be precise about why.

Ordinance No. 649, adopted March 17, 1997, rezoned two parcels: Parcel No. 0732127027, designated Parcel A and rezoned to I-2, and Parcel No. 0732127028, designated Parcel B and rezoned to R-2. The 55-deibel restriction in that ordinance is measured "at the interface between Parcel A (I-2) and Parcel B (R-2)." It is a condition that runs with those two parcels at their boundary.

The building your clients describe is not on either of those parcels. It is on Parcel No. 0732127006, which has been zoned I-2 Industrial since the City's original zoning ordinance, Ordinance No. 285, took effect on July 1, 1962. Parcel No. 0732127006 was never rezoned, was never the subject of Ordinance No. 649, and carries none of the conditions adopted in that ordinance. The 55-decibel figure has no application.

Your letter also notes this point. A footnote in your letter states that the 55-deibel provision applies to the interface between Parcels 0732127027 and 0732127028, “not Parcel 0732127006, which is nearest to the Westermeyer Family Home.” The City confirmed the same point in its April 8, 2026 correspondence with your office. Applying a 55-decibel limit where Parcel No. 0732127006 meets Beltline Road would mean enforcing a restriction against a parcel that was never made subject to it, and the City has no authority to do that.

The standard that governs noise at this property is the City’s noise-control ordinance, Chapter 44 of the Dyersville Code of Ordinances, which sets a maximum allowable level of 90 decibels measured at the industrial property line. The City enforces that standard using readings taken and witnessed by its own law enforcement officers. As I reported to your clients on November 22, 2024, the Police Chief took decibel readings from Beltline Road on November 18, 2024 and found an average of 79 decibels and a peak of 84 decibels, within the 90-decibel limit. Those readings were consistent with your clients’ own measurements of 72 to 75 decibels taken on November 10, 2024.

The Terracon report your letter cites is a private study commissioned by Lumber Specialties. It is not a measurement taken or witnessed by the City. Its equivalent sound level of 60 decibels at the monitor nearest your clients’ home is within the 90-decibel standard. Any brief maximum reading of the report notes for a single early-morning moment was not observed or verified by a City officer, and an unverified, momentary figure from a private monitor does not establish a violation of an ordinance that the City measures and enforces through its own officers under representative conditions.

I would also note that the means to have the City witness and document the noise your clients describe has been available throughout this period. The Dyersville Police Department’s call records for 1304 First Avenue East show no noise complaints from that address, and the most recent call for service of any kind from that address predates the facility’s expansion. The City cannot take readings its officers are not called to take, and its officers remain available to do so on request.

Your letter recounts your clients’ contacts beginning in 2022 and raises concern that Building Permit No. 22-2240 “was not properly noticed to the public.” I want to address that concern directly, because it is a matter of public record.

A building permit for a use that is permitted in the underlying zoning district is an administrative approval. It is not a rezoning, a variance, or a conditional use permit, and it does not carry the published notice and public hearing requirements. No rezoning, variance, or conditional use permit was required for this project because the use is permitted in the I-2 district on a parcel that has been zoned I-2 since 1962. There was no separate public-notice requirement for the permit that the City failed to meet.

Even so, this permit went through a more public process than an ordinary building permit, not less. I reviewed the application against Chapter 165 on June 17, 2022, confirmed that it met the Code's requirements, and forwarded it to the City Council rather than issuing it administratively because the project's value exceeded the threshold requiring Council action under the City’s permit procedures. That review is documented in the City’s records under Task 38778. The

permit was placed on the published agenda for the City Council's June 20, 2022, meeting, and the Council approved it at that meeting. That meeting was an open public meeting. Your letter notes that your clients first contacted Lumber Specialties in October 2022, after the Council had already acted in open session.

Your letter also states that "no action was taken" in response to your clients' contacts. The City's records show otherwise. When your clients raised their concerns through Councilmember Singsank in October 2024, the City investigated the matter, and I responded in writing on November 22, 2024, addressing the lighting, noise, and tree concerns within the City's authority. That investigation and response are documented under Task 59232.

Your letter notes that your clients' neighbors, Richard and Judy Boeckenstedt, have retained counsel and raised similar concerns with Lumber Specialties, and that the company has also declined their requests. The City is aware of the Boeckenstedts' concerns and has received correspondence from their counsel. The City will respond directly to that correspondence.

Your letter quotes the purpose language of the I-2 district, that the district is "designed to provide appropriate space and regulations to encourage good quality industrial development that is buffered from lower intensity uses when necessary," and that the City "includes buffering requirements to reduce incompatibility" with lower-intensity surrounding land uses, and argues that appropriate buffering has not occurred.

That language describes the purpose and intent of the I-2 district. It is not a self-executing command that places an affirmative buffering obligation on every property in the district, and the phrase "when necessary" is conditional rather than mandatory. The City applies its buffering and screening standards through the Code's review process when a project is approved. Where a use is permitted by right, and a project is reviewed and built in compliance with the Code in effect when the permit is issued, the City has no authority to return years later and impose new buffering requirements on an existing, conforming use.

It is also worth identifying the specific buffering your letter describes. The berm-and-evergreen screening your clients point to was adopted as a condition of Ordinance No. 649 and runs with Parcels 0732127027 and 0732127028, the parcels rezoned in 1997. It was never a condition on Parcel No. 0732127006, where the building at issue sits, because that parcel was never rezoned and was never made subject to Ordinance No. 649. The buffering obligation your letter invokes exists on other land, not on this parcel.

The premise that the facility sits immediately next to a lower-intensity residential use also does not match the ground. The Lumber Specialties property and your clients' property are more than 200 feet apart, and the land between them is not residential. It consists of the Beltline Road East right-of-way and the railroad right-of-way. Substantial separation already exists between the two uses, formed by two public corridors rather than a shared property line.

As for the truck and forklift traffic your letter describes, vehicle traffic on public streets and the use of the railway are not matters the City regulates through zoning buffers, and they do not establish a zoning violation by Lumber Specialties.

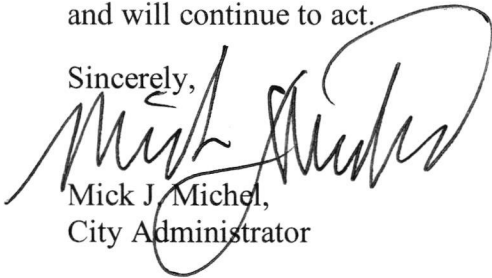
Your letter contends that Lumber Specialties represented its expansion as a “warehouse” but is instead operating like a manufacturing facility, and suggests that this difference matters. It does not produce a zoning violation. Both warehousing and manufacturing are industrial uses within the I-2 district, and the building permit issued for this project identified the use as industrial within that district. Whether the facility is described as a warehouse, a manufacturing operation, or both, it remains an industrial use on land zoned I-2, and it is permitted there. A distinction between those labels does not turn a permitted industrial use into a violation of the Code.

Your letter asks the City Council to address the matters you raise and suggests a public meeting, perhaps with a mediator. I want to respond clearly and respectfully.

This is an administrative matter, not a question of public policy. The City’s zoning ordinance is in place, the property is properly zoned, and the City is not considering a change to that ordinance at this time. The City investigated the concerns your clients raised and found Lumber Specialties to be in compliance with the regulations that apply to it. That remains the City’s position.

For that reason, the City does not see a need to mediate. It is not customary for the City to mediate a dispute between private property owners, and the concerns your clients seek to resolve through screening, fencing, equipment enclosure, and private lighting are matters between them and Lumber Specialties. To the extent your clients wish to pursue those remedies, they may do so through the channels your letter reserves. Within the authority the City does have, it has acted and will continue to act.

Sincerely,

A handwritten signature in black ink, appearing to read "Mick J. Michel", written over the typed name and title.

Mick J. Michel,
City Administrator