



Simmons Perrine

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May 5, 2026

Jeff Jacque, Mayor
City of Dyersville
201 5th Avenue SE
Dyersville, IA 52040

City of Dyersville City Council
Dyersville City Hall
340 1st Avenue East
Dyersville, IA 52040

Norm Pottebaum
Dyersville City Council, At Large
1184 Woodland Drive
Dyersville, IA 52040

Mike English
Dyersville City Council, At Large
922 8th Street SW
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804 6th Ave SW
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Dyersville City Council, Ward 2
542 Country Club Court
Dyersville, IA 52040

Mike Oberbroeckling
Dyersville City Council, Ward 3
2015 Castle Hills Drive SE
Dyersville, IA 52040

George Davis
Dyersville City Attorney
Dyersville City Hall
340 1st Avenue East
Dyersville, IA 52040

Re: Nuisance at Lumber Specialties – Dyersville

Dear Mayor, Council Members, and Mr. Davis:

I represent Richard and Judy Boeckenstedt who live at 1146 3rd Avenue NE, Dyersville, Iowa. The Boeckenstedts' property is across the street from the Lumber Specialties manufacturing facility located at 1700 Beltline Road in Dyersville.

SIMMONS PERRINE PLC

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Page 2 | May 5, 2026

I contacted Lumber Specialties on behalf of my clients in January 2026, regarding the Boeckenstedts' concerns regarding nuisances caused by operations at the Lumber Specialties' facility. I have had subsequent communications with Lumber Specialties regarding the issues that its facility is causing my clients. These nuisances include noise, dust, light, trash, and excessive water runoff onto the Boeckenstedts' property. The consequences of Lumber Specialties' actions at their facility interferes with the family's life, including their ability to use and enjoy their property.

I received a written reply from Lumber Specialties in February 2026, and have had ongoing dialogue with its in-house counsel. Lumber Specialties asserted it completed mitigation work to address the water runoff. I have provided Lumber Specialties with evidence of the impact on my clients' property, including video of the runoff onto my clients' property. I am awaiting another response from Lumber Specialties for further information on their plans to address the problems I conveyed to them in my January 5, and April 9, 2026 letters, which I've enclosed.

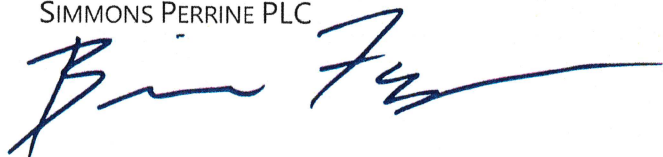
The Boeckenstedts continue to experience excessive water runoff onto their property causing damage to the landscaping and vegetation, and changes to the topography of their land. Lumber Specialties further claimed that although the noise, light, and dust were within acceptable levels, they had taken voluntary measures to reduce noise and light pollution. Despite these claims, the Boeckenstedts continue to experience intrusive noise and light emanating from the facility. Lumber Specialties further agreed to plant 6- to 10-foot evergreen trees. However, I do not have the specific details on their plans to do so yet. The vegetation put in previously is inadequate.

It is my understanding that the Boeckenstedts' neighbors, Mona Westermeyer and Peter Adams (1304 First Avenue East, Dyersville, Iowa), have expressed similar concerns to Lumber Specialties, and to the City. The operations at the Lumber Specialties' facility continues to cause disruption to the Boeckenstedts' use and enjoyment of their property and that of their neighbors.

Therefore, I am writing on behalf of the Boeckenstedts to request that the City take action to require Lumber Specialties to abate the nuisances caused by its facility. Please set up a meeting wherein all parties involved can discuss how to address the nuisances. Moreover, please consider additional conditions on the Lumber Specialties' property. Please note that my clients expressly reserve all rights and remedies at law or in equity.

Thank you for your time and attention to this matter. I look forward to hearing from the City on this important community issue.

Sincerely,
SIMMONS PERRINE PLC



Brian J. Fagan

Encl.



Simmons Perrine

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January 5, 2026

VIA E-MAIL (bstewart@lbrspec.com) and CERTIFIED MAIL

Lumber Specialties

Attn: Robert Stewart, General Manager

PO Box 38

1700 Beltline Road

Dyersville, IA 52040

VIA E-MAIL [REDACTED]

US LBM Holdings, LLC

Attn: Carin Brock, VP and Deputy General Counsel

Re: Nuisance at Lumber Specialties – Dyersville

Dear Mr. Stewart and Ms. Brock:

This firm represents Richard and Judy Boeckenstedt who reside at 1146 3rd Avenue NE in Dyersville, Iowa. The Boeckenstedts' property is across the street from the Lumber Specialties manufacturing facility. I am writing in an attempt to resolve issues relating to the nuisances caused by Lumber Specialties' facility.

The Lumber Specialties' facility emits noise, dust, light, and excessive water runoff onto the Boeckenstedts' property, which interferes with the family's life including their ability to use and enjoy their property. For example, the Boeckenstedts are unable to spend time outside of the home or have their windows open due to the machine noises, debris, dust, and bright lights emanating from the facility. The amount of water runoff from the site onto the Boeckenstedts' property is untenable and damaging the property and the vegetation.

The Boeckenstedt's demand that Lumber Specialties mitigate the nuisances caused by its facility including, but not limited to, planting trees along the edge of the property, closing doors, and turning off or dimming lights, or installing lighting that reduces the amount of light pollution

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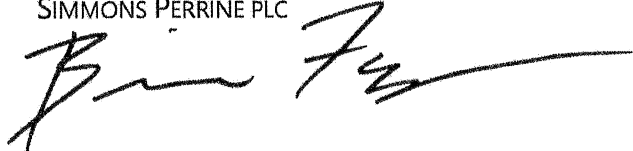
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Lumber Specialties is causing. There also must be mitigation of the sound emitted from the equipment on the property. In addition, a water retention/detention strategy needs to be implemented to prevent the runoff of water and dirt onto the Boeckenstedts' property. These measures will allow the adjacent property owners, including the Boeckenstedts, to resume enjoyment of their property.

If Lumber Specialties is unwilling to take steps to mitigate the nuisance caused by its facility, the Boeckenstedts are prepared to file a lawsuit seeking all relief available under the law. Please contact me within 10 days of the date of this letter to discuss resolution of these issues. I appreciate your time and prompt attention to this matter.

Sincerely,

SIMMONS PERRINE PLC

A handwritten signature in black ink, appearing to read "Brian Fagan", written over the printed name.

Brian J. Fagan



Simmons Perrine

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April 9, 2026

VIA E-MAIL [REDACTED]

US LBM Holdings, LLC

Attn: Carin Brock, VP and Deputy General Counsel

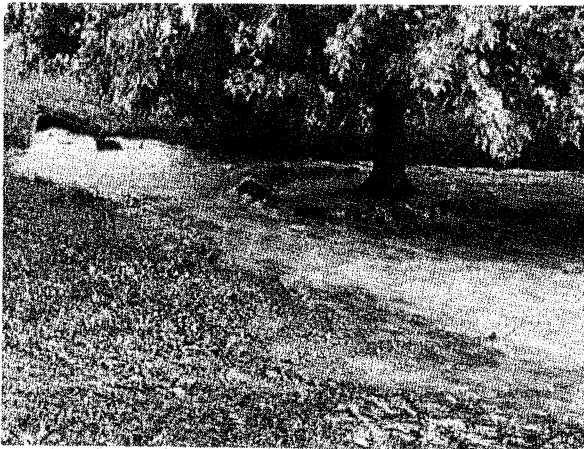
Re: Nuisance at Lumber Specialties – Dyersville

Richard and Judy Boeckenstedt, 1146 3rd Avenue NE, Dyersville, Iowa.

Dear Ms. Brock:

Thank you for your e-mail of February 26, 2026, regarding the Boeckenstedt's concerns regarding the nuisances caused by Lumber Specialties' facility. I have now had an opportunity to discuss your response with the Boeckenstedt's.

Regarding the water runoff on the Boeckenstedt's property, you indicated that mitigation work was completed routing water away from the culvert nearby. However, the water runoff continues to be an issue. The photograph below was taken after the alleged mitigation work was completed in late 2024. I am also enclosing a video showing the runoff.

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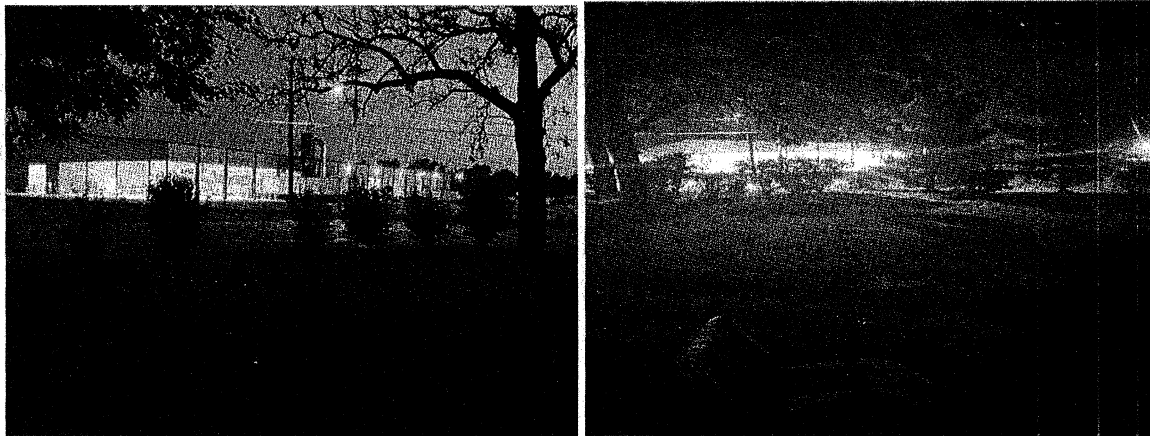
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As you can see, the water runoff onto the Boeckenstedts' property is excessive. The runoff has caused damage to the Boeckenstedt's landscaping and vegetation and is changing the topography of their land. I have included other photographs showing the impact to the Boeckenstedts' property. Additional measures must be taken to prevent the continued water runoff of water onto the Boeckenstedt's property. Also, their land will need to be repaired because the runoff and lime from the lot have damaged and altered the natural condition of their property.

Additionally, the Boeckenstedt's frequently have trash from Lumber Specialties' facility blown onto their property. This is unacceptable and Lumber Specialties must take action to prevent its trash from encroaching and blowing on the Boeckenstedt's property.

With regard to Lumber Specialties' emission of noise, dust, and light from its facility, you have indicated that the emissions are within acceptable levels, but that Lumber Specialties has taken voluntary measures to reduce the emissions nonetheless. The noise and light emanating from the facility remain intrusive. The photographs below show the bright lights from the facility illuminating the Boeckenstedts' yard to a level near daylight. In addition, they cannot open their windows due to the dust coming off the property.



Clearly, any measures allegedly taken by Lumber Specialties have been insufficient to mitigate the noise and light to a level that would allow the Boeckenstedt's to enjoy their property. Additional steps must be taken to cure these nuisances. I look forward to receiving additional details from you regarding Lumber Specialties' plan to plant evergreen trees to add screening. In addition, the Boeckenstedt's ask that Lumber Specialties take additional proactive measures including installing a fence, closing doors, turning off or dimming lights, installing dimmer lighting and/or turning off equipment when not in use. It should also take measures to control the dust and lime coming off your property.

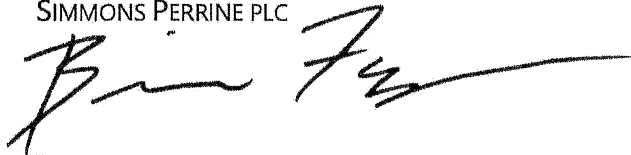
Please contact me to discuss resolution of these continued issues as soon as possible. We propose a meeting with the city of Dyersville to assist in addressing these nuisances. I appreciate your time and prompt attention to this matter.

Simmons Perrine PLC

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Sincerely,

SIMMONS PERRINE PLC

A handwritten signature in black ink, appearing to read "Brian Fagan", written over the printed name.

Brian J. Fagan