



City of Dyersville
City Administrator's Office

June 3, 2026

Brian J. Fagan
Simmons Perrine PLC
115 Third Street SE, Suite 1200
Cedar Rapids, IA 52401

RE: Nuisance – Lumber Specialties, 1700 Beltline Road NE, Dyersville, Iowa-Task 64155

Dear Mr. Fagan,

The City has received your letter of May 5, 2026, regarding the Lumber Specialties facility at 1700 Beltline Road NE and the concerns of your clients, Richard and Judy Boeckenstedt, of 1146 3rd Avenue NE. I have reviewed your letter and the enclosed correspondence with Lumber Specialties. Your letter raises two distinct areas of concern arising from the Lumber Specialties facility: first, water runoff; and second, noise, dust, and light. This letter addresses only the latter—the noise, dust, and light concerns. The water runoff concern will be addressed in separate correspondence, as the City is still reviewing that complaint and conducting its investigation. The City takes its residents' concerns seriously, and I want to respond to the noise, dust, and light points in your letter directly.

Your letter asks the City to require Lumber Specialties to abate the conditions your clients describe. I want to be candid about the City's role at the outset, as it shapes everything that follows. The facility sits on Parcel No. 0732127006. That parcel has been zoned I-2 Industrial since the City adopted its original comprehensive zoning ordinance on July 1, 1962, and has remained so continuously. 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. When Lumber Specialties applied to expand, the City reviewed the application under the zoning ordinance in effect at the time and issued the permit in the ordinary course. The City did not grant a special favor. It applied its ordinances as written.

Your letter describes the dialogue your clients have had with Lumber Specialties and its parent company, US LBM Holdings, LLC, beginning with your January 2026 letter and continuing through the company's February 2026 reply and your subsequent exchanges with its counsel.



You report that Lumber Specialties has stated it completed mitigation work, has represented that noise, dust, and light are within acceptable levels while taking voluntary measures to reduce them, and has agreed to plant additional evergreen trees. Your clients regard these measures as inadequate.

This direct dialogue between your clients and the company is the appropriate path, one the City has consistently encouraged. The City supports the parties' continued efforts toward a resolution.

Your letter also asks the City to consider additional conditions on the Lumber Specialties property. I want to address that request directly. A city attaches conditions to a property through specific mechanisms, such as a conditional use permit, site plan review, or a development agreement, and those mechanisms operate when discretionary approval is sought. The uses on Parcel No. 0732127006 are permitted by right in the I-2 district, and the expansion was reviewed and permitted as a conforming use under the Code in effect at the time. The City has no mechanism to impose new conditions on an existing, conforming use after the fact at the request of a neighboring owner. That would mean regulating by exception rather than by ordinance, and the City applies its zoning regulations as written to this property as to every other.

Your letter raises noise, dust, and light. The City's authority over these is not the same, so I will address them separately.

Noise is the one area the City regulates directly, under Chapter 44 of the City Code, and it does so through the Police Department. When the City receives a noise complaint, an officer responds, investigates, and determines whether the ordinance has been violated. Your clients may contact the Police Department at any time to report a noise complaint.

Regarding outdoor lighting, the City's authority differs. The Dyersville City Code does not regulate outdoor lighting on private property, and the City cannot require a private owner to move, shield, or dim lights on its own land.

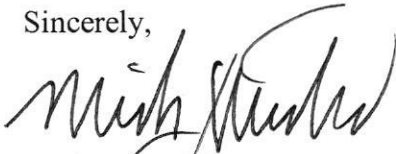
Regarding dust, the City does not have an ordinance regulating airborne dust from a permitted industrial use. The facility that you have described in your letter (Parcel No. 0732127006) sits on a parcel zoned I-2 Industrial since 1962, with no conditional designation or special condition that would govern dust. To the extent it affects your clients' property, that is a matter to raise directly with Lumber Specialties.

Your letter states that trash and debris from the facility are sometimes blown onto your clients' property. The City does not have an ordinance authorizing it to require a private business to contain windblown debris on its own site, and this matter is appropriately raised directly with Lumber Specialties.

Your letter notes that your clients' neighbors, Mona Westermeyer and Peter Adams, have raised similar concerns with Lumber Specialties and the City. The City is aware of those concerns and is responding to that correspondence separately. A second set of concerns from a neighboring property does not change the zoning status of the Lumber Specialties parcel or expand the City's regulatory authority over a permitted industrial use.

Your letter asks the City to require Lumber Specialties to abate these conditions and to host a meeting of all the parties. It is not customary for the City to mediate disputes 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 its authority, the City has acted and will continue to act accordingly.

Sincerely,

A handwritten signature in black ink, appearing to read "Mick Michel", written in a cursive style.

Mick J. Michel,
City Administrator