



City of Dyersville
City Administrator's Office

April 1, 2026

Mayor Jeff Jacque, and City Council Members
City of Dyersville
340 1st Avenue East
Dyersville, Iowa 52040

RE: Blasting Permit Application—Falcon Drilling & Blasting, Inc. (Kwik Star Project)
Task 63586

Dear Mayor Jacque, and City Council Members:

Background

Falcon Drilling & Blasting, Inc. (P.O. Box 2403, Oshkosh, WI 54903) has submitted an application for a blasting permit under Chapter 126 of the Dyersville Code of Ordinances. The blasting is part of the Kwik Star convenience store project at the corner of 12th Avenue SE and 9th Street SE in Dyersville. Tschiggfrie Excavating of Dubuque serves as the general contractor. The work involves drilling and blasting rock for utility line installation, building pad preparation, and general site work.

The applicant anticipates blasting operations between April 13 and May 29, 2026, during normal daytime hours (7:00 AM to 5:00 PM, Monday through Friday), with up to 2 to 3 blasts per day. The following review walks through each section of Chapter 126 and evaluates the submitted materials against each requirement.

Section-by-Section Code Review

Section 126.01 — Definition

Chapter 126 defines “blasting” as the act of breaking or tearing to pieces rock or other material by the agency of gunpowder or other explosives. The proposed work involves drilling and blasting rock for utility installation and site preparation, which clearly falls within this definition. Chapter 126 applies.

Section 126.02 — Applicability of Regulations

This section applies to all persons, firms, and corporations storing, handling, or using explosives or blasting agents, and to the owner or lessee of any building, premises, or equipment on which such materials are used. Falcon Drilling & Blasting, Inc. is a Wisconsin-based commercial blasting contractor performing work within the City. Tschiggfrie Excavating is the general contractor and lessee of the site. Both are subject to Chapter 126.

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Section 126.03 — Permit Procedure

Requirement 1 — Filing of Commercial License: Section 126.03(1) mandates that the applicant submit a copy of the commercial license issued by the State Fire Marshal to the Council, according to Iowa Code Chapter 101A. Falcon has submitted its Commercial Explosive Contractor License (#CE-0060), issued on March 31, 2026, and valid through December 31, 2028, from the Iowa Department of Inspections, Appeals, and Licensing (which has taken over the Fire Marshal’s licensing duties). The associated fee receipt (Transaction #00052488, \$91.66, paid March 24, 2026) is also on record. This requirement is fulfilled.

Requirement 2 — Security Bond: Section 126.03(2) requires filing a security bond conditioned upon payment of all damages in an amount of not less than \$10,000. The applicant has submitted a Certificate of Insurance (ACORD form, dated March 26, 2026, Certificate Number 2007424015) rather than a surety bond. Section 126.05 authorizes the Council to accept a policy of liability insurance in lieu of or in addition to the bond. The Certificate of Insurance (COI) shows Commercial General Liability of \$1,000,000 per occurrence and \$2,000,000 aggregate, plus Umbrella/Excess coverage of \$10,000,000. This far exceeds the \$10,000 statutory minimum. **I recommend that the Council formally accept the liability insurance policy instead of the surety bond under Section 126.05.**

Section 126.04 — Storage Regulations

This section requires that explosive materials be stored in accordance with State Fire Marshal regulations and that the applicant be familiar with those requirements. The Safety Plan states that Falcon personnel will pick up explosive supplies daily from an off-site storage facility and will always be in attendance when explosive supplies are on site. No overnight or permanent on-site magazine storage is described, and no storage inadequacy has been identified.

Section 126.05 — Bond and Insurance

This section requires that any bond be in a form approved by the City Attorney with an approved surety company. It authorizes the Council to require a larger bond or certificate of insurance where hazards warrant, and to accept liability insurance as a substitute or in addition to the bond.

The Certificate of Insurance (COI) details the following coverages: Commercial General Liability at \$1,000,000 per occurrence / \$2,000,000 in total (Insurer A: United States Fire Insurance Company, Policy 5069096325, effective from 6/4/2025 to 6/4/2026); Automobile Liability at a \$1,000,000 combined single limit; Umbrella Liability at \$10,000,000 per occurrence / \$10,000,000 in total; Workers’ Compensation according to statutory limits / \$1,000,000 per accident; and Pollution Liability at \$900,000 with a \$2,500 deductible. The operations description section lists Tschiggfrie Excavating and the City of Dyersville as additional insured parties under the General Liability policy. Excess Liability policies from Arch Specialty Insurance and Axis Surplus Insurance each provide additional limits of \$7,500,000 with no retention.

Recommendation: The Submittals Checklist calls for an explicit blasting/explosive endorsement with no exclusions for vibration, earth movement, or flyrock. The COI is a summary document and does not detail specific exclusions. I recommend that the Assistant City Attorney confirm that the endorsement language is adequate before finalizing the permit. The total coverage well exceeds the \$10,000 minimum bond, and I recommend the Council accept the insurance in lieu of the bond.

Section 126.06 — Supervision of Blasting

This section requires that the person in direct supervision of blasting be a competent person with at least 5 years' experience in the handling and discharge of explosives.

The Safety Plan names two licensed blasters: Alex Nachtigall and Daniel Fye. Both have applied for Iowa Commercial Explosive Blaster Licenses through Falcon's contractor license, and fee receipts (Transaction #00052569, \$183.32, paid March 27, 2026) have been submitted. However, the Submittals Checklist indicates the company is "waiting 2 weeks minimum on background check" for both blasters, and the Safety Plan shows their Iowa license numbers as pending.

Flag: The applicant has not yet provided documentation confirming that either blaster meets the five-year experience threshold required by Section 126.06. Additionally, the actual Iowa blaster license certificates have not been issued—only fee receipts are on file. **I recommend that no blasting occur until: (a) at least one named blaster holds a valid, issued Iowa blaster license (not just a receipt); and (b) the applicant provides documentation (resume, affidavit, or employer certification) confirming the supervising blaster has the required five years' experience.**

Section 126.07 — Permit Issuance

Upon compliance with Chapter 126 and a determination that the blaster-in-charge is qualified and experienced, the Council shall issue the permit. Permits are limited to the specified blasting operation, are non-transferable, and are valid for only 30 days.

Flag: The applicant's anticipated blasting window runs from April 13 through May 29, 2026—approximately 46 days. Because permits are limited to 30 days under Section 126.07, the applicant will need to return for a renewal if blasting extends beyond the initial 30-day period. **I recommend the Council issue the initial permit effective April 13, 2026 through May 12, 2026 (30 days), with renewal subject to continued compliance and submission of any updated documentation. Alternatively, the Council could consider whether the circumstances warrant a longer permit period, though the Code as written limits permits to 30 days.**

Section 126.08 — Notice of Storage

The permittee must notify the Fire Chief and Police Chief of when and where explosive materials will be stored, and again when storage is terminated. The Safety Plan outlines the daily transportation of explosives from an off-site facility. Although no permanent on-site magazine is planned, the applicant should notify both chiefs of the off-site storage location (if within City limits) and provide daily updates when explosives are present on the job site. I suggest including this as a permit condition.

Section 126.09 — Report of Theft or Loss

Any theft or loss of explosive materials must be reported immediately to the Police Department, which will then inform the State Fire Marshal. The Safety Plan covers incident reporting in general, and the Submittals Checklist ensures that blast-related incidents are reported to the City and the contractor's insurer within 24 hours. This requirement should be established as a permit condition.

Section 126.10 — Disposal Regulated

No person shall abandon or dispose of explosives in a way that creates danger to life or property, and disposal must comply with State Fire Marshal regulations. The Safety Plan outlines a controlled operational sequence where unused materials are returned to the off-site storage facility daily. No disposal issues have been identified.

Section 126.11 — Notice of Blasting (Waiver Requested)

This is the section for which I am requesting Council consideration of a waiver.

As written, Section 126.11 requires the permittee to do three things. First, on the day before each blast, the permittee must try to contact by telephone a resident of each residence and an employee of each business within 1,500 feet of the blast site. Second, on the day of blasting, the permittee must again attempt to contact by phone each residence and business within 1,500 feet, this time informing them of the expected time of the blast. Third, the permittee must keep an up-to-date log of all phone calls made, including who made the call, who received it, and the time of the call, covering unanswered calls and messages left on answering machines.

Practical Concern: The mailing list identifies 401 properties within 1,500 feet of the blast site. With blasting expected to occur on multiple days over several weeks, and up to two to three blasts per day, strict compliance with Section 126.11 would require hundreds of telephone calls per blast day—potentially 800 or more calls on a single day (401 properties times two required call rounds). This is an extraordinary administrative burden that may not be practically achievable, and the provision was likely drafted with a much smaller notification radius or a shorter project duration in mind.

Proposed Alternative Notification Program

In lieu of the telephone notification requirements, I recommend the Council accept the following substitute notification program, which I believe provides equal or greater public notice:

Direct Mail Notification: The applicant will send a written Blasting Notification letter to all 401 property owners and occupants listed on the Blasting Notification Mailing List (dated April 1, 2026). The letter details the nature of the blasting work, the anticipated schedule, safety precautions in place, and includes a Blast Complaint Form with contact information for McKlane Konitzer, Falcon’s Safety and Compliance Specialist. Letters must be mailed no later than five days before the first blast.

Newspaper Publication: The applicant will publish a notice in the Dyersville Commercial before starting blasting operations, informing the public about the project, the expected blasting schedule, and contact details for complaints or questions.

On-Site Warning Signals: The Safety Plan already requires audible warning signals before each blast, including a series of long horn signals five minutes prior, short horn signals one minute prior, and a prolonged all-clear signal afterward. These will continue regardless of the notification method. This alternative approach offers a written, documented notice to all properties within 1,500 feet, along with public notice through the newspaper. Unlike telephone calls—which may go unanswered and depend on reaching the correct person—a mailed letter ensures the information reaches the property. The Blast Complaint Form provides residents with a clear, documented way of reporting concerns.

Additional Submitted Materials

Site Map

Two-page document showing: (1) a detailed site plan with the Kwik Star building footprint, utility lines (sanitary sewer, water, storm), proposed grading, and blasting zones marked in red; and (2) an aerial photograph with blasting areas overlaid. The site fronts 12th Avenue SE (Highway 136) to the south and 9th Street SE to the east.

Safety Plan

Covers purpose, project information, job site safety contacts, sequence of daily operations, warning signal protocols, PPE requirements (hard hats, safety shoes, hearing protection, eye protection, high-visibility clothing), and incident reporting. Identifies key personnel: Kelton McLaren (drill operator), Alex Nachtigall or Daniel Fye (blasters), Tony Tritt (foreman), and McKlane Konitzer (safety and compliance specialist).

Blank Shot Report

Template blast and seismograph analysis form (Version 2) from Falcon with fields for date, time, blast parameters (spacing, burden, depth, sub-drilling, stemming), seismograph velocity readings in three axes plus sound level, explosive type and quantities, delay system information, and witness signature. Marked “Confidential.” Daily logs will be provided to the City upon request per the Submittals Checklist.

Pre-Blast Structure Survey

The Submittals Checklist confirms that VibraTech has coordinated pre-blast survey appointments with property owners within 300 feet who responded. Surveys are scheduled for April 1 and 2, 2026. Eight properties/entities are identified on the 300-foot neighbor list: Gerald & Connie Coyle (820 11th St SE), Andrew Decker (1107 9th Ave SE), PEG Enterprises LLC (Epworth), Nightingale LLC (1020 12th Ave SE), Tauke Motors (1008 IA-136), Glenn Hildebrand (1115 9th Ave SE), Rosemary Loecke (1116 10th Ave SE), and Shepmann Properties. Pre-blast surveys must be completed before blasting begins.

Blast Complaint Form

A one-page form allowing property owners to document their name, address, phone number, nature of complaint, and when the issue was first noticed. This form is included with the notification letter.

Compliance Summary

Section	Requirement	Status	Notes
126.01	Definition	Met	Proposed work is blasting as defined.
126.02	Applicability	Met	Falcon and Tschiggfrie are subject to Chapter 126.
126.03(1)	Commercial License Filed	Met	Contractor License #CE-0060, issued 3/31/2026.
126.03(2)	Security Bond (\$10,000 min.)	See 126.05	COI submitted in lieu of bond; Council acceptance recommended.
126.04	Storage Regulations	Met	Daily transport from off-site; no on-site magazine.
126.05	Bond and Insurance	Met*	COI exceeds minimum. City Attorney should confirm blasting endorsement language.
126.06	Supervision (5-yr exp.)	Pending	Experience documentation has not yet been provided for named blasters. Blaster licenses are pending background checks.
126.07	Permit Issuance (30 days)	Action Req.	Project spans ~46 days; permit limited to 30 days. Renewal will be needed.
126.08	Notice of Storage	Condition	Applicant should notify Fire/Police Chiefs of storage and daily site presence.
126.09	Theft/Loss Reporting	Standard	Include as a permit condition.
126.10	Disposal	Met	Unused materials are returned to off-site storage daily.
126.11	Notice of Blasting	Waiver Req.	Waiver requested; substitute mail/newspaper notice proposed.

Recommended Permit Conditions

1. No blasting shall occur until at least one named blaster (Alex Nachtigall or Daniel Fye) holds a valid, issued Iowa Commercial Explosive Blaster License—not merely a fee receipt—and a copy of the license is on file with the City.
2. The applicant shall provide documentation (resume, employer affidavit, or equivalent) confirming that the supervising blaster has not less than five years' experience in the handling and discharge of explosives, as required by Section 126.06.
3. The Council accepts the Certificate of Insurance (ACORD Certificate Number 2007424015) in lieu of the surety bond required by Section 126.03(2), subject to Assistant City Attorney confirmation that the policy includes blasting/explosive coverage without exclusions for vibration, earth movement, or flyrock.
4. Pre-blast structure surveys by VibraTech must be completed and copies provided to the City before blasting operations begin.
5. The Blasting Notification letter and Blast Complaint Form must be mailed to all 401 properties on the Blasting Notification Mailing List no later than seven calendar days before the first blast. Notice must also be published in the Dyersville Commercial prior to the first blast.
6. The permittee shall notify the Fire Chief and Police Chief of the off-site explosives storage location and shall provide daily notice when explosives are present on the job site, consistent with Section 126.08.

7. Any theft, loss, property damage complaint, or blast-related incident shall be reported immediately to the Dyersville Police Department and to the contractor's insurer within 24 hours, consistent with Sections 126.09 and the applicant's Safety Plan.
8. Blasting operations shall be limited to 7:00 AM to 5:00 PM, Monday through Friday.
9. The permit shall be effective for 30 days from the date of first blasting. If blasting extends beyond 30 days, the applicant must return to the Council for renewal with updated documentation confirming continued compliance.
10. Daily blast logs and seismograph readings shall be maintained and made available to the City upon request.

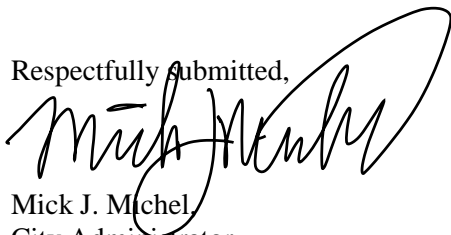
Staff Recommendation

I recommend that the City Council approve the blasting permit for Falcon Drilling & Blasting, Inc. for the Kwik Star project at 12th Avenue SE and 9th Street SE, subject to the ten conditions listed above. I further recommend the Council waive the telephone notification requirements of Section 126.11 and accept the substitute direct-mail and newspaper publication notification program described in this memorandum, which provides equal or greater public notice to properties within 1,500 feet of the blast site.

Requested Council Action

Motion to authorize the City Administrator to approve the Blasting Permit for Falcon Drilling & Blasting, Inc. for the Kwik Star convenience store project, subject to the conditions set forth in this letter, and to waive the telephone notification requirements of Section 126.11 of the Code of Ordinances in favor of the substitute mail and newspaper notification program.

Respectfully submitted,



Mick J. Michel
City Administrator