

RESOLUTION NO. 28-26

A RESOLUTION AUTHORIZING 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

WHEREAS, Falcon Drilling & Blasting, Inc. has applied for a blasting permit under Chapter 126 of the Dyersville Code of Ordinances in connection with the Kwik Star convenience store project at 12th Avenue SE and 9th Street SE; and,

WHEREAS, Chapter 126 of the Dyersville Code of Ordinances requires City Council authorization prior to issuance of a blasting permit; and,

WHEREAS, the City Administrator has reviewed the application materials and issued a written compliance review and recommendation dated April 1, 2026; and,

WHEREAS, Section 126.05 of the Dyersville Code of Ordinances authorizes the City Council to accept liability insurance in lieu of the security bond required under Section 126.03(2); and,

WHEREAS, the City Council finds that strict application of the telephone notification requirements in Section 126.11 of the Dyersville Code of Ordinances would be impractical for this project and that a substitute notification program provides equal or greater public notice;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Dyersville, Iowa, that:

Section 1. The City Council hereby authorizes the City Administrator to approve the Blasting Permit for Falcon Drilling & Blasting, Inc. for the Kwik Star convenience store project at 12th Avenue SE and 9th Street SE, subject to the conditions set forth in the City Administrator's letter dated April 1, 2026.

Section 2. Pursuant to Section 126.05 of the Dyersville Code of Ordinances, the City Council authorizes acceptance of the Certificate of Insurance submitted by Falcon Drilling & Blasting, Inc. in lieu of the surety bond otherwise required under Section 126.03(2), subject to review and confirmation by the Assistant City Attorney that the policy includes appropriate blasting and explosives coverage.

Section 3. The City Council hereby waives the telephone notification requirements of Section 126.11 of the Dyersville Code of Ordinances for this project and authorizes implementation of the substitute notification program described in the April 1, 2026 City Administrator letter.

Section 4. The City Administrator is authorized and directed to administer the blasting permit and enforce its conditions in a manner consistent with Chapter 126 of the Dyersville Code of Ordinances.

Section 5. Conflict Clause. In the event of any conflict between this resolution and the provisions of the Dyersville Municipal Code, the Dyersville Municipal Code shall control. This resolution shall be interpreted and applied in a manner consistent with applicable ordinances and Iowa law.

Section 6. Severability. If any section, subsection, sentence, clause, or provision of this resolution is held invalid or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this resolution, which shall remain in full force and effect.

Section 7. This resolution shall be effective upon adoption.

Passed and approved this 6th day of April, 2026.

CITY OF DYERSVILLE, IOWA

By: _____
Jeff Jacque, Mayor

ATTEST:

Tricia L. Maiers, City Clerk