

LB 840 GRANT AGREEMENT – AMENDED

BETWEEN THE CITY OF GRAND ISLAND, VERMEER EQUIPMENT OF NEBRASKA, INC DBA VERMEER HIGH PLAINS, AND KJD, LLC

This amended grant agreement is entered into this 16th day of May, 2024 between the City of Grand Island, hereinafter referred to as “the City”, Vermeer Equipment of Nebraska Incorporated dba Vermeer High Plains, a Nebraska Corporation, and KJD, LLC, a Nebraska Limited Liability Company. Notwithstanding the date of execution hereof, this amended agreement shall be deemed effective as of May 7, 2024.

WHEREAS, the citizens of Grand Island approved the City of Grand Island’s Economic Development Plan (LB 840), hereinafter referred to as “the Plan”, which was renewed for a ten year period commencing October 1, 2023. The Plan provides rules and procedures for the use of local sources of revenue appropriated for economic development projects, including the making of grants to eligible entities to spur economic development through the creation of jobs, expansion of the tax base, and the expansion of workforce housing and early childhood care and education programs; and,

WHEREAS, public works improvements which are essential to the location or expansion of a qualifying business is an eligible activity under the Plan; and,

WHEREAS, Vermeer Equipment of Nebraska Incorporated dba Vermeer High Plains (hereinafter “Vermeer High Plains”) is a qualifying business, being a business engaged in the processing, storage, transport, or sale of goods or commodities which are sold or traded in interstate commerce which is located, or will locate, within the jurisdictional area authorized under the Plan and who commits to maintaining operations in other Nebraska cities at levels required by the Plan; and,

WHEREAS, Vermeer High Plains has submitted an application seeking a grant of up to \$525,000 in LB840 funds for the purpose of assisting in necessary public works improvements for an undeveloped parcel of property located at Industrial Foundation Third Subdivision Lot 1. The applicant has indicated their intent to use said grant for the construction of 618 LF of 12” PVC sanitary main, 588 LF of 12” D.I. water main, 620 LF of 40’ wide concrete public roadway, all assessment tap fees, grading 1,600 LF of future roadway section with ditches and 4,700 LF long ditch to direct storm runoff to the existing box culvert crossing in Blaine Street. Grant funding will be used for all survey, plat, design, and performance of construction services for this project up to the actual expense; and,

WHEREAS, the aforementioned real estate will be held by KJD, LLC for the benefit of Vermeer High Plains, and Kevin Klein, President of Vermeer Equipment of Nebraska Incorporated is also duly qualified to bind KJD, LLC to this agreement; and,

WHEREAS, the application and supporting materials have been reviewed by the City Administrator, in her capacity as Program Administrator for LB 840 funds, the Assistant Finance Director, and members of the Grand Island City Council; and,

WHEREAS, the supporting materials reviewed demonstrate this grant meets restrictions set forth in the Plan including confirmation that the grant will not exceed the amount of funds available for the Economic Development Program, will not provide for more than fifty percent

of the total project costs, and that at least fifteen percent of project funding is from private sources; and,

WHEREAS, Vermeer High Plains and KJD, LLC have confirmed that it has not, nor will it, receive tax incentives under the Nebraska Advantage Act or the ImagiNE Nebraska Act for the same project; and that if it receives this LB 840 grant it will not make application for tax increment financing of this project; and,

WHEREAS, because KJD, LLC intends to purchase property owned by a subsidiary of the Grand Island Area Economic Development Corporation, the GIAEDC Board of Trustees is unable to vote on this application due to a conflict of interest; and,

WHEREAS, the Program Administrator and her designees reviewed the application and recommended approval of this grant; and,

WHEREAS, on May 7, 2024 the Grand Island City Council reviewed the application and supporting materials and recommended approval of this grant (Resolution 2024-120).


NOW THEREFORE, the parties to this agreement agree as follows:

1. That, pursuant to the Plan, Vermeer High Plains is an eligible business engaged in seeking funding for a project which is an eligible activity.
2. That the City, through its available LB 840 funds, shall grant to Vermeer Equipment of Nebraska Incorporated and/or KJD, LLC a sum *not to exceed* \$525,000.00 through reimbursement of documented and substantiated expenses related to public works improvements necessary to improve upon Industrial Foundation Third Subdivision Lot 1 and that portion of Cobalt Drive immediately adjacent thereto contingent upon the following conditions being met:
 - a. Acquisition of Industrial Foundation Third Subdivision Lot 1 by KJD, LLC for the benefit of Vermeer High Plains.
 - b. The providing of documentation and substantiation of all expenses incurred to the satisfaction of the Program Administrator or her designee(s).
 - c. The providing of a completed W-9 or other taxation document as required by the City of Grand Island Finance Department.
 - d. The completion of said public works improvement to the satisfaction of the City's Public Works Director, and dedication of said improvements to the City of Grand Island for the benefit of its citizens.
3. Vermeer High Plains agrees it will be ineligible for reimbursement of any expense should the following occur:
 - a. Failure to provide sufficient documentation or substantiation of any expense.
 - b. Failure to maintain status as an eligible business.
 - c. Failure to submit a request for reimbursement within ninety (90) days of acceptance of said public works improvements by the City.

4. Vermeer High Plains agrees that it must immediately reimburse the City for any grant funds should one or more of the following occur:
 - a. Failure to maintain status as an eligible business for twenty-four (24) months following the commencement of this agreement and Vermeer High Plains' participation in the City of Grand Island's Economic Development Program.
 - b. Failure to retain ownership of Industrial Foundation Third Subdivision Lot 1 for twenty-four (24) months following the final grant payment by either KJD, LLC or Vermeer Equipment of Nebraska Incorporated.
 - c. Failure to maintain employment at its other Nebraska-based operations as required by the Plan.
 - d. The application for tax incentives or financing under the ImagiNE Act, Nebraska Advantage Act, or tax increment financing, for this project within twenty-four (24) months following the final grant payment.
5. Vermeer Equipment of Nebraska Incorporated and KJD, LLC agree that this grant agreement shall serve as a lien on the real property located at Industrial Foundation Third Subdivision Lot 1 during the performance periods listed within this grant. The parties agree that this lien shall expire without further action of any party twenty-four (24) months and one day following the final grant payment so long as the City has not provided notice of default to Vermeer Equipment of Nebraska Incorporated and/or KJD, LLC for breach of this agreement.
6. The parties agree that during the performance of this agreement all parties, and their assigns, agree to comply with all applicable city, state and federal laws including, but not limited to, Title VI of the Civil Rights Act of 1964 as amended; the Federal-Aid Highway Act of 1973, as amended; Section 504 of the Rehabilitation Act of 1973 as amended; the Age Discrimination Act of 1975, as amended; and that this agreement shall be governed by the laws of the State of Nebraska.
7. All the terms and provisions of this agreement shall be binding upon and inure to the benefit of the parties and their respective successors or assigns.

Dated the 16th day of May, 2024

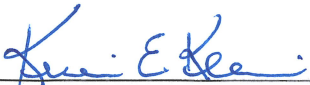
Vermeer Equipment of Nebraska
Incorporated, dba Vermeer High Plains, a
Nebraska corporation,

BY: 
Kevin Klein, President

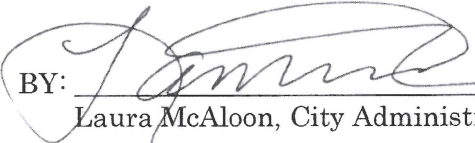
The City of Grand Island, a Municipal
Corporation,

BY: 
Roger G. Steele, Mayor

KJD, LLC, a Nebraska Limited Liability Company,

BY: 
Kevin Klein, Member

The City of Grand Island, a Municipal Corporation,

BY: 
Laura McAloon, City Administrator/
Economic Development Program
Administrator

Approved:



City Attorney