Resolution Relating to

AUTHORIZED TO PROCEED re MORAN - FRAME PROJECT: UTILIZING WATERFRONT TIF DISTRICT FUNDS FOR PAYMENT OF INDEBTEDNESS, DIRECT OR RELATED COSTS

RESOLUTION 5.03
Sponsor(s): Parks, Arts & Culture Committee; Bd. of Finance
Introduced: 02/19/19
Referred to: ____________________________
Action: amended; adopted
Date: 02/19/19
Signed by Mayor: 02/25/19

CITY OF BURLINGTON

In the year Two Thousand Nineteen .............................................................

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the Moran Generating Plant was decommissioned in 1986 and over the years numerous concepts for repurposing the building were conceived and, in varying degrees, considered for advancement, none of which succeeded; and

WHEREAS, on March 4, 2014, the voters of Burlington authorized the City Council to pledge the credit of the City to secure indebtedness or make direct payments for the purpose of funding one or more public improvements and related costs attributable to Public Investment Action Plan (PIAP) projects serving the Waterfront Tax Increment Financing (TIF) District; and

WHEREAS, that slate of approved PIAP projects specifically included the New Moran project, a mixed-use redevelopment of the Former Moran Generating Plant with a focus on multi-purpose arts and events space, local foods, and green energy innovation; and

WHEREAS, the project as contemplated envisioned the City working with an entity known as New Moran, Inc. under a development agreement to redevelop the building and site; and

WHEREAS, the March 4, 2014 ballot language approved by the voters pertaining to the PIAP projects specifically included provisionary language that the TIF funding for the New Moran project was approved “with the further understanding that in the event that, upon the recommendation of the Mayor, the City Council determines that the proposed New Moran project cannot be reasonably accomplished, the City Council shall be authorized to utilize tax increment funds from the Waterfront TIF District for payment of indebtedness, direct or related costs of the demolition of the Moran building and site stabilization in accordance with the public trust doctrine;” and

WHEREAS, after over three years of good faith efforts by both parties to advance the New Moran project, the City, in the fall of 2017, determined that the project as contemplated was not feasible and the City ended its efforts with New Moran, Inc. to fully redevelop the Moran Plant and site; and

WHEREAS, the Mayor directed the Community & Economic Development Office (CEDO) to prepare the Moran Municipal Generating Station Deconstruction and Demolition Study, which was completed in March 2017; and
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RESOLUTION RELATING TO

Adopted by the City Council

Approved, 20

Attest:

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WHEREAS, the demolition study looked at four scenarios with varying amounts of demolition and
retention of the building and priced those options at final costs ranging from $3,983,773 to $10,716,661; and
WHEREAS, in September 2017, the Mayor tasked CEDO to create a Site Resolution Plan with the
goal of using the TIF funding held in reserve since the 2014 vote to secure the best possible outcome for the
public in a way that complements progress on the northern waterfront; and
WHEREAS, on December 10, 2018, CEDO presented to the City Council a new concept for the site
wherein a partial demolition and site stabilization of the remaining building and site could be accomplished
utilizing a still available budget of $5.4 million of voter approved TIF borrowing capacity in a manner that
would achieve high function as a park facility and which would serve as a hub with connectivity to all of the
other various properties and uses which are developing on the City’s northern waterfront; and
WHEREAS, the City Council gave its initial support for the proposed partial demolition and site
stabilization plan, now identified as “Moran – FRAME” and referred the plan to the Parks, Arts and Culture
Committee (PACC) for further consideration; and
WHEREAS, while $2.09 million of TIF borrowing capacity earmarked for the project is already
accessible by virtue of the City having executed a HUD Section 108 loan with City Council approval in 2014,
the balance of the project funding must be fully bonded (or otherwise incurred as debt) by December 31, 2019
under the existing deadlines for approved TIF project debt incurrence allowed by the State for this portion of
the City’s Waterfront TIF District; and
WHEREAS, on February 13, 2019, the PACC voted to recommend that the City Council advance the
proposed demolition and site stabilization plan and authorize necessary and appropriate bonding and any other
voter approved financing for the project and to sponsor resolution(s) for same; and
WHEREAS, a more detailed review of City Waterfront TIF finances has revealed that available
funds for the project are actually $5.649 million and bond capacity is available for an amount not to
exceed $3.559 million; and
WHEREAS, on February 19, 2019, the Board of Finance voted to advance the proposed demolition
and site stabilization plan and recommended that the City Council adopt this resolution to advance the project;
NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves and authorizes
CEDO to advance the Moran – FRAME project, to include (but not limited to) taking all necessary and
appropriate measures for procurement, contracting, permitting, and bidding for the demolition and site
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stabilization work involved thereto; all being subject to the above-referenced §5.4 $5,649 million project
budget; and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the CEDO Director or duly
authorized Interim Director to execute all necessary contracts and agreements necessary to effect and advance
the above-referenced work, subject to the review and approval of the City Attorney; and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the Chief Administrative
Officer (CAO) to approve any necessary and appropriate financing (to include bonding for project funding
consistent with the voter’s March 4, 2014 voter approval of funds for this project) as well as any budget
amendments needed to appropriate approved funds and advance the project and meet the TIF debt incurrence
deadline of December 31, 2019; and

BE IT FURTHER RESOLVED that CEDO shall provide periodic updates to the Parks, Arts and
Culture Committee and the full City Council at the request of the PACC Chair or Council President.

2/15/19 amended; adopted LO 021919
RESOLUTION RELATING TO

Authorization to Proceed re. Moran ... FRAME Project: Utilizing Waterfront TIF District Funds for Payment of Indebtedness, Direct or Related Costs

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Adopted by the City Council
February 19, 2019

Clerk
Approved 2-25, 2019

Mayor