

**Resolution Relating to**

**AUTHORIZATION 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:

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

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

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

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

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

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

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

\* \* \* \* \*

ORIGINAL

**DISTRIBUTION:**

I hereby certify that this resolution has been sent to the following department(s) on

RESOLUTION RELATING TO

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Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

..... Mayor

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AUTHORIZATION TO PROCEED re MORAN-FRAME PROJECT:  
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26 WHEREAS, the demolition study looked at four scenarios with varying amounts of demolition and  
27 retention of the building and priced those options at final costs ranging from \$3,983,773 to \$10,716,661; and

28 WHEREAS, in September 2017, the Mayor tasked CEDO to create a Site Resolution Plan with the  
29 goal of using the TIF funding held in reserve since the 2014 vote to secure the best possible outcome for the  
30 public in a way that complements progress on the northern waterfront; and

31 WHEREAS, on December 10, 2018, CEDO presented to the City Council a new concept for the site  
32 wherein a partial demolition and site stabilization of the remaining building and site could be accomplished  
33 utilizing a still available budget of \$5.4 million of voter approved TIF borrowing capacity in a manner that  
34 would achieve high function as a park facility and which would serve as a hub with connectivity to all of the  
35 other various properties and uses which are developing on the City's northern waterfront; and

36 WHEREAS, the City Council gave its initial support for the proposed partial demolition and site  
37 stabilization plan, now identified as "Moran – FRAME" and referred the plan to the Parks, Arts and Culture  
38 Committee (PACC) for further consideration; and

39 WHEREAS, while \$2.09 million of TIF borrowing capacity earmarked for the project is already  
40 accessible by virtue of the City having executed a HUD Section 108 loan with City Council approval in 2014,  
41 the balance of the project funding must be fully bonded (or otherwise incurred as debt) by December 31, 2019  
42 under the existing deadlines for approved TIF project debt incurrence allowed by the State for this portion of  
43 the City's Waterfront TIF District; and

44 WHEREAS, on February 13, 2019, the PACC voted to recommend that the City Council advance the  
45 proposed demolition and site stabilization plan and authorize necessary and appropriate bonding and any other  
46 voter approved financing for the project and to sponsor resolution(s) for same; and

47 **WHEREAS, a more detailed review of City Waterfront TIF finances has revealed that available**  
48 **funds for the project are actually \$5.649 million and bond capacity is available for an amount not to**  
49 **exceed \$3.559 million; and**

50 WHEREAS, on February 19, 2019, the Board of Finance voted to advance the proposed demolition  
51 and site stabilization plan and recommended that the City Council adopt this resolution to advance the project;

52 NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves and authorizes  
53 CEDO to advance the Moran – FRAME project, to include (but not limited to) taking all necessary and  
54 appropriate measures for procurement, contracting, permitting, and bidding for the demolition and site

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ORIGINAL

RESOLUTION RELATING TO

DISTRIBUTION:

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Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

..... Mayor

Attest:

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55 stabilization work involved thereto; all being subject to the above-referenced ~~\$5.4~~ \$5.649 million project  
56 budget; and

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

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

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

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69 lb/RWH/Resolutions 2019/CEDO – Moran – FRAME – Authorization to Proceed Utilizing Waterfront TIF District Funds to Pay Indebtedness &  
70 Costs

71 2/15/19 amended; adopted LO 021919

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ORIGINAL

**DISTRIBUTION:**

I hereby certify that this resolution has been sent to the following department(s) on

Linda Blanchard, City Attorney's Office  
Assistant City Attorney Haesler  
CEDO, Kirsten Merriman Shapiro  
C/T, Darlene Kehoe

**RESOLUTION RELATING TO**

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

*As recommended*  
Adopted by the City Council  
February 19, 20 19

*[Signature]* Clerk

Approved *2-25-2019*  
*[Signature]* Mayor

Attstr *[Signature]*  
Lori Olberg  
Licensing, Voting and Records Coordinator

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