



EL DORADO - AGENDA

June 29, 2026 - 5:30 PM

CALL TO ORDER & ROLL CALL

Executive Session

Executive Session (Attorney-Client Privileged Discussion)

Adjournment

EL DORADO

KANSAS

TO: City Commission
FROM: David Dillner, City Manager
SUBJ: Executive Session (Attorney-Client Privileged Discussion)
DATE: June 29, 2026

Summary:

On June 22, 2026, the City received a citizen-led petition seeking action under K.S.A. 12-3013 regarding an ordinance "prohibiting High Impact Data Centers and Tier 2 and Tier 3 Battery Storage Systems in the City of El Dorado, Kansas." The petition was signed by over 700 people and was provided to the County Clerk for verification and certification. The City Attorney will discuss the legal context of the petition with the governing body.

Attachments:

1. Data Center/Battery Storage Ordinance (Proposed by Petition)

Funding Source:

NA

Operation Impact:

NA

Options/Alternatives:

NA

Staff Recommendation:

NA

Commission Action:

Commissioner _____ moved to recess into executive session pursuant to the attorney-client privileged exception under K.S.A. 75-4319(b)(2) for consultation with an attorney for the public body or agency for the purpose of discussing a citizen-led petition filed under K.S.A. 12-3013, and to reconvene the meeting at _____ p.m. in the Commission Chambers.

Commissioner _____ seconded the motion.

**PETITION FOR ORDINANCE PROHIBITING HIGH IMPACT DATA
CENTERS AND TIER 2 AND TIER 3 BATTERY ENERGY STORAGE
SYSTEMS IN THE CITY OF EL DORADO, KANSAS**

1) High Impact Data Centers present substantial risks to the public health, safety, and welfare of the residents of El Dorado, Kansas, and threaten the stability and capacity of local and regional infrastructure, especially utility infrastructure. Even when closed-loop cooling systems are used, these facilities require significant quantities of water for the initial filling of the cooling loops, ongoing additional water to make up for this water use, and additional routine water system maintenance and chemical treatment. This demand, combined with extreme electrical demand that can overload local and regional power grids, imposes substantial strain on local and regional utilities and competes directly with the essential needs of existing residents and other existing users in the community.

2) Battery Energy Storage Systems ("BESS") present substantial risks and dangers to the public health, safety, and welfare of the residents of El Dorado, Kansas. These risks and dangers include thermal runaway, which is a chain reaction caused by the overheating of battery cells, which can lead to unnatural fires or explosions. Thermal runaway may also release toxic gases, which also pose a serious health hazard to the residents of El Dorado, Kansas. The operation of BESS technology could also present hazards of cascading cell service failures and flammable gas accumulation. Multiple incidents have occurred nationally and internationally that clearly demonstrate the risk associated with BESS.

The undersigned electors of the City of El Dorado, Kansas, hereby submit this Petition for a proposed ordinance prohibiting High Impact Data Centers and Battery Energy Storage Systems pursuant to K.S.A. § 12-3013 and respectfully request that the governing body of the City of El Dorado, Kansas to pass the following ordinance without alteration or submit the same to a vote of the electors.

BALLOT QUESTION: "Shall the following ordinance be adopted? "An Ordinance of the City of El Dorado, Kansas prohibiting the installation and operation of High Impact Data Centers and Type 2 and Type 3 battery energy storage systems to protect the health, safety, and welfare of the residents of El Dorado, Kansas."

[End of Page; the proposed Ordinance begins on the following page]

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF EL DORADO, KANSAS PROHIBITING THE INSTALLATION AND OPERATION OF HIGH IMPACT DATA CENTERS AND TIER 2 AND TIER 3 BATTERY ENERGY STORAGE SYSTEMS TO PROTECT HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS OF EL DORADO, KANSAS.

WHEREAS, High Impact Data Centers are rapidly evolving land use that has only recently begun to be proposed in jurisdictions across the United States, and the suitability and impact of such facilities on the City of El Dorado, Kansas is unstudied and is likely to generate many negative environmental and health impacts, including industrial-scale disruption to existing land uses, current residents, and the environment;

WHEREAS, emerging forms of High Impact Data Center development involve significant electrical and water consumption, causing higher demand leading to additional strain on regional infrastructure that has not been adequately evaluated or addressed;

WHEREAS, High Impact Data Centers generate significant noise and heat, which will also strain municipal services and negatively impact the quality of life of residents of the City of El Dorado, Kansas;

WHEREAS, Battery Energy Storage Systems ("BESS") are being deployed with increasing frequency in connection with renewable energy generation facilities, grid stability projects, and commercial and industrial applications; and

WHEREAS, documented BESS accidents have resulted in explosions, prolonged fires, toxic gas emissions, and injuries to emergency response personnel.

WHEREAS, Tier 2 and Tier 3 BESS present significant fire, explosion, and thermal runaway risks that endanger the City of El Dorado, Kansas, particularly first responders, properties near BESS, and other residents of the City of El Dorado, Kansas.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EL DORADO, KANSAS:

SECTION 1. The purpose of this Ordinance is to protect the public health, safety, and welfare of the residents of the City of El Dorado, Kansas, by prohibiting the installation and operation of High Impact Data Centers and Tier 2 and Tier 3 Battery Energy Storage Systems ("BESS").

SECTION 2. For the purposes of this Ordinance, the following terms shall have the meanings indicated:

- A.** "High Impact Data Center" means a principal use consisting of one or more buildings, structures, or facilities whose primary purpose is the housing, operation, and maintenance of computer servers, data storage devices, networking equipment, and associated infrastructure (including but not limited to cooling systems, backup power generators, substations, and high-capacity electrical and water systems) for the bulk processing, storage, or transmission of electronic data, that requires a peak electrical load exceeding ten (10) megawatts, or a daily water draw exceeding one hundred thousand (100,000) gallons. This term includes server

farms, colocation facilities, AI training facilities, cryptocurrency mining operations, and similar high-density computing facilities, provided however, that High Impact Data Center does not include accessory data processing equipment that is incidental and subordinate to the primary use of a building (e.g., ordinary office servers, school computer labs, or manufacturing process controls).

B. "Battery Energy Storage System" or "BESS" means: An engineered facility (inclusive of all ancillary facilities required to interconnect and operate the facility) that is capable of charging batteries from an electrical transmission system, storing the electrical energy, and discharging the electrical energy to later reenergize the same system and does not include a powerplant or other manner of generating electricity for distribution and storage. BESS may also include one or more devices, when assembled together, are capable of storing energy to supply electrical energy at a future time, provided however, that BESS does not include a stand-alone twelve-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1, Tier 2, or Tier 3 battery energy storage system as follows:

(i) Tier 1 battery energy storage systems have an aggregate energy capacity less than or equal to 80 kWh and, if in a room or enclosed area, consist of only a single energy storage system technology. All Tier 1 battery energy storage systems located on residential properties shall comply with all applicable codes (building, fire, property, etc.) as they may currently be in effect or hereafter amended in the City of El Dorado.

(ii) Tier 2 battery energy storage systems have an aggregate energy capacity between 81 and 600 kWh or are comprised of more than one energy storage system technology in a room or enclosed area.

(iii) Tier 3 battery energy storage systems have an aggregate energy capacity greater than 600 kWh and, if in a room or enclosed area, consist of only one energy storage system technology. An engineered facility (means one or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A BESS includes all equipment required for the system to operate, including but not limited to batteries, battery chargers, battery management systems, controls, power conditioning systems, inverters, associated electrical equipment, fire suppression systems, and thermal management systems.

SECTION 3. No person, firm, corporation, or other entity shall construct, install, operate, maintain, or cause to be constructed, installed, operated, or maintained, any High Impact Data Center in the jurisdictional boundaries City of El Dorado, Kansas.

SECTION 4. No person, firm, corporation, or other entity shall construct, install, operate, maintain, or cause to be constructed, installed, operated, or maintained, any Tier 2 or Tier 3 BESS in the jurisdictional boundaries City of El Dorado, Kansas.

SECTION 5. Multiple Tier 1 BESS shall not be installed or operated in a configuration or proximity that would function to effectively create a Tier 2 or Tier 3 BESS. The following factors shall be considered in determining whether multiple Tier 1 BESS constitute an effective Tier 2 or Tier 3 BESS:

- (i) Whether the total aggregate capacity exceeds the thresholds defined in Section 2;
- (ii) Whether systems that are located within 50 feet of each other on the same parcel or on

- adjacent parcels under common ownership or control;
- (iii) Whether systems share electrical components, fire suppression systems, or control systems;
 - (iv) Whether systems are designed to function as an integrated unit; or
 - (v) Whether systems are managed through a common energy management system or controller.

SECTION 6. The prohibition set forth in this Ordinance shall apply to all zoning districts and all land uses within the City of El Dorado, Kansas, including but not limited to, residential, commercial, industrial, institutional, and public facility zones as defined in the applicable zoning ordinances and resolutions, as currently in effect and as may hereafter be amended from time to time.

SECTION 7. Any violation of Section 3 or Section 4 of this Ordinance shall be subject to the civil and criminal penalties as set forth in Article 15 of the City of El Dorado Zoning Regulations.

SECTION 8. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof. Similarly, if any exemption, variance, or procedural provision is found invalid, it is the express intent that the core prohibitions shall remain in effect to the maximum extent permitted by law.

SECTION 9. Where the requirements of this Ordinance impose a different restriction or requirement than imposed by other City of El Dorado Ordinances, or other applicable rules or regulations, the requirements of this Ordinance shall prevail.

SECTION 10. This Ordinance shall take effect and be in force either upon publication as described by K.S.A. § 12-3007, or upon approval by the electors pursuant to K.S.A. § 12-3013, as applicable.

CITY OF EL DORADO, KANSAS

Bill Young, Mayor

[SEAL]

ATTEST:

Emerald Veatch, City Clerk

APPROVED AS TO FORM:

_____, City Attorney