

By ROBERT PIERCE

• Daily Leader

Under current price listings for using the Seward County Activity Center, individuals and groups can be charged a percentage of alcohol sales as part of their rental agreement.

Seward County counsel Dan Diepenbrock said Tuesday, counties are no longer allowed to use such contracts. He said an opinion from the Kansas Alcoholic Beverage Commission states a county cannot charge patrons of an activity center rent by way of a percentage of alcohol sales.

“According to ABC, an activity center cannot enter into a contract with someone who wants to use it and have as the contract a deposit of a flat fee and 10 percent of alcohol sales,” she said.

Activity Center Director Janet Lewis said some contracts currently call for as much as 30 percent of alcohol sales.

Diepenbrock said the opinion of the ABC has little meaning.

“It makes sense to me that a non-governmental entity can’t take a percentage of alcohol sales if that non-governmental entity doesn’t have an alcohol license,” he said during the county’s work session. “That defeats the whole purpose. If I own the building and I enter into a contract with one of you who has an alcohol license and I get a percentage of the sales, I’m essentially selling alcohol.”

Diepenbrock said in doing research about the issue, he could not reach the same conclusion as the ABC.

“It didn’t make sense to me that the entity that issued the license can’t keep a percentage of the alcohol license, but in order to be 100 percent on this, I would have to spend some more time researching it,” he said.

Diepenbrock said Lewis indicated to him she would prefer to not even have agreements which include a percentage of alcohol sales.

“I told them there’s no reason for me to research the issue if we don’t event want to use those type of contracts anyway,” he said.

Lewis said she has had little in the way of events which call for alcohol sales.

“Most of what we had that was things that sold alcohol were some of our public dances,” she said. “I collected alcohol sales one time this past year. The rest of the time we worked with just a flat fee. I find that it’s not easy to collect when you go into percentages.”

Lewis provided a current listing of prices for use of fairground facilities, as well as a list of prices she is proposing to use in the future.

The primary changes are to use of the main hall in the Activity Center for events such as circus, carnival, concert or dance. Under the present contract for circuses and carnivals, with no alcohol, there is a minimum deposit of \$2,000 required or 10 percent of gross gate receipts, whichever is greater, plus 20 percent of concession sales. The proposed change now calls for a simple \$2,000 deposit.

## **Some Activity Center rental fees may go up**

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For concerts and dances, with alcohol, the present rate is the same, with the exception of an additional 30 percent fee for alcohol sales. Under the proposed change, those events would now go for \$4,000.

Changes would likewise occur in the fees with the use of the east end of the Seward County Ag Building. Dances or concerts in that facility with no alcohol sales currently are charged a minimum deposit of \$500 or 10 percent gross gate receipts, whichever is greater, plus 20 percent of concession sales. Concerts and dances with alcohol are charged a minimum \$750 deposit or 10 percent gross gate receipts, whichever is greater, plus 20 percent of concession sales and 30 percent of alcohol sales. The new rates would call for a \$500 deposit for events with no alcohol and \$750 for those with alcohol.

Booking fees and cleaning and damage deposits are not included in those prices. The commission will look at the proposals at its Feb. 1 meeting.