



## City Commission Fact Finding Subcommittee

The City Commission Fact Finding Subcommittee is scheduled to meet on Thursday, January 25, 2024, at 9:00 AM in the 4th Floor Mayor's Conference Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota.

### Call to Order

#### 1. Approval of Minutes

##### Documents:

[December 7, 2023 - Minutes.pdf](#)  
[December 12, 2023 - Minutes.pdf](#)  
[December 20, 2023 - Minutes.pdf](#)  
[January 3, 2024 - Minutes.pdf](#)

#### 2. Status Report and Update

#### 3. Continued Discussion on Determination of Performance Issues and Recommendations for Event Center Operations

### Adjourn

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## City Commission Fact Finding Subcommittee Minutes

12/7/2023 - Minutes

### Call to Order

Commissioner Cleary called the meeting to order at 9:00 AM on December 7, 2023. Members present included Commissioner Cleary, Commissioner Connelly, and Gordy Smith. Also, present were Jason Tomanek and Leanne Schmidt with the City of Bismarck and Attorney Amy Oster with Crowley Fleck.

1. Determine performance issues of Charlie Jeske, Event Center Director, and recommendations regarding the appropriate actions to take to address any necessary employee discipline and changes to Event Center operations.

The committee discussed their role, including discussions with Event Center staff, review of contracts and business practices, discussions with vendors working with the Event Center, and providing information and potential recommendations to the City Commission at the January 9, 2024, City Commission meeting.

Committee members discussed concerns with ethical operations and decision-making, issues with trust, and resolving those concerns. Moving forward professionally and as an organization.

Attorney Oster advised the committee members on open meeting regulations and cautioned against multiple committee members interacting or speaking with personnel, which could result in an open meeting violation. Committee members discussed roles that each member would serve to avoid conversations between an employee and multiple committee members.

Committee members discussed conversations with vendors involving contracts and products, discussions with employees to better understand business and operating practices, and analyzing data from the past eight years of events that occurs annually such as weddings, sports shows, concerts, rodeos, Breakfast with Santa, and conferences.

The committee discussed the upcoming request for proposals relating to the ticket vendor, Etix. Committee members questioned if a non-Event Center entity could help facilitate the ticketing RFP process. Committee members suggested discussing this topic at a future City Commission meeting.

Committee members agreed to meet on December 20, 2023, at 9:00 AM in the 4th floor Mayor's Conference Room.

Adjourn

There being no further business to discuss, the meeting adjourned at 10:37 PM.

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## City Commission Fact Finding Subcommittee Minutes

12/12/2023 - Minutes

### Call to Order

Commissioner Cleary called the meeting to order at 10:30 AM on December 12, 2023. Members present included Commissioner Cleary, Commissioner Connelly, and Gordy Smith. Also present were Whitnie Olsen, Jason Tomanek, and Leanne Schmidt with the City of Bismarck and Attorney Amy Oster with Crowley Fleck.

#### 1. Discussion regarding legal opinion received from outside council.

Commissioner Cleary asked Attorney Oster what steps need to be taken by committee members to protect the anonymity of Event Center staff who wish to discuss the business and operations at the Event Center with a committee member. Attorney Oster indicated that names could remain private as long as there is no written record of their names or other identifying information. Attorney Oster continued noting that if the matter were to go to court, those individuals could be subpoenaed, which would relinquish their anonymity. Attorney Oster's recommendation would be to direct committee member Smith to conduct interviews to avoid a potential serial City Commission meeting. The committee designated Mr. Smith to conduct interviews with Event Center staff in the coming weeks. Mr. Smith requested an Event Center organizational chart to include where employees fall on that chart, their contact information, and tenure of each employee. The committee agreed that Commissioners Connelly and Cleary will focus their reviews on Event Center contracts and policies.

### Adjourn

There being no further business to discuss, the meeting adjourned at 11:04 AM.

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## City Commission Fact Finding Subcommittee Minutes

12/20/2023 - Minutes

### Call to Order

Commissioner Cleary called the meeting to order at 10:30 AM on December 20, 2023. Members present included Commissioner Cleary, Commissioner Connelly, and Gordy Smith. Also present were Jason Tomanek and Leanne Schmidt with the City of Bismarck and Attorney Amy Oster with Crowley Fleck.

1. Determine performance issues of Charlie Jeske, Event Center Director, and recommendations regarding the appropriate actions to take to address any necessary employee discipline and changes to Event Center operations.

Mr. Smith started the discussion by addressing issues he had experienced when trying to conduct interviews with Event Center employees. HR Director Leanne Schmidt will speak with Event Center employees, letting them know that Mr. Smith will be conducting interviews, and they will have several opportunities to speak with him if they want to.

Commissioner Connelly informed the group that he met with Director Jeske and received a tour of the facility. Commissioner Connelly noted that he and Director Jeske discussed the concepts behind an enterprise fund, the lodging liquor and restaurant tax, and general financial operations of the Event Center.

The group discussed the philosophy behind events at the Event Center and noted a conference event generally will have a larger impact on the community due to guests to the community staying in hotels, dining in restaurants, and shopping when compared to a one-time event like a concert which may bring in more people but for a limited amount of time. The group also discussed developing sales packages for events like conferences or weddings which have a tendency to reoccur; sales packages could benefit staff due to their simplicity and would limit the need for full negotiation authority for the Director. Subcommittee members shared their concerns about the lack of justification relating to changes in executed contracts. Mr. Smith noted the lack of justification leaves the subject open to allegations and inconsistencies.

The general consensus of the group is to place all Bismarck Event Center items relating to contracts or negotiations on the regular agenda for future City Commission meetings.

Mr. Smith requested a list of the successful and unsuccessful vendors, the contact persons, and their contact information for the last eight years. Mr. Smith noted any irregularities between the similar contracts should be considered or explored for more information.

The group discussed the current method for alcoholic beverage sales at the Event Center.

Concerns were expressed given the cash-only nature of sales and the limited sophistication used to validate sales.

Commissioners Cleary and Connelly agreed to discuss whether Commissioner Zenker should remain as the portfolio holder during the time the subcommittee is conducting their investigation. The Commissioners will discuss the matter at the December 26, 2023, City commission meeting,

Adjourn

There being no further business to discuss, the meeting adjourned at 10:15 AM.

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## City Commission Fact Finding Subcommittee Minutes

1/3/2024 - Minutes

### Call to Order

Commissioner Cleary called the meeting to order at 9:00 AM on January 3, 2024. Members present included Commissioner Cleary, Commissioner Connelly, and Gordy Smith. Also present were Jason Tomanek with the City of Bismarck and Attorney Amy Oster with Crowley Fleck.

1. Determine performance issues of Charlie Jeske, Event Center Director, and recommendations regarding the appropriate actions to take to address any necessary employee discipline and changes to Event Center operations.

Subcommittee members expressed frustration with the length of time that it has taken Event Center staff to compile and provide the contracts and records which were requested in early December. The group discussed potential recommendations to the City Commission including considering a third-party management and marketing company contracted to manage and operate the Event Center on the City's behalf and recommending a performance audit or a specific list of items and practices to be audited. Committee members also considered recommendations relating to the cash-only alcohol sales process with a potential recommendation to utilize cash registers and sales receipts by the alcohol vendor. The committee will meet again January 9, 2024, at 4:00 PM in the Mayor's Conference Room.

### Adjourn

There being no further business to discuss, the meeting adjourned at 10:19 AM.

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