



**City of Rochester**  
Minnesota

April 18, 1968

ELFREDA REITER  
City Clerk

Mr. Joseph Donovan  
Secretary of State  
State of Minnesota  
State Capitol  
St. Paul, Minnesota 55100

Dear Sir:

Enclosed herewith is a certified copy of the amendment submitted by the Charter Commission of the City of Rochester. Also enclosed is a certified copy of a resolution ordering the amendment to be voted on and a certified copy of a resolution showing approval of same by the voters of the City of Rochester.

These are filed with you in accordance with Section 410.00 of the Minnesota Statutes.

Very truly yours,

*Elfreda Reiter*  
City Clerk

/er  
enc.

19831  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
APR 24 1968

*Joseph L. Donovan*  
Secretary of State

## RESOLUTION

WHEREAS, the Board of Freeholders appointed by the Judges of the District Court, Third Judicial District of the State of Minnesota, to frame a Charter for the City of Rochester, Minnesota, and to propose amendments thereto, has delivered to the City Clerk and to the Common Council of said City of Rochester, a proposed amendment to the said Charter to be submitted to the voters as required by law.

AND WHEREAS, said amendment proposes to repeal Chapter VII of said Charter of the City of Rochester entitled "Courts and Juries" consisting of Sections 55 to 81 inclusive; to repeal Sections 101 and 105 of said Charter; and to amend Sections 14, 36, 106 and 108 of said Charter; all of said proposed amendment relating to the office of City Justice of the Peace, juries for the trial of actions cognizable before the City Justice of the Peace and legal proceedings before the City Justice of the Peace.

NOW THEREFORE, be it resolved by the Common Council of the City of Rochester:

(1) That the City Clerk of the City of Rochester is hereby ordered and directed to file the original draft of said proposed amendment to the Charter of the City of Rochester in her office, which proposed amendment reads as follows:

### Proposed Amendment

The Charter of the City of Rochester, adopted pursuant to Minnesota Constitution, Article 4, Section 36, and Minnesota Laws, 1903, Chapter 238, and ratified August 22, 1904, as amended, be further amended as follows:

That Chapter VII of the Charter of the City of Rochester entitled "COURTS AND JURIES" and consisting of Sections 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, and 81, and Sections 101 and 105 shall be repealed in their entirety; and Section 14 of the Charter of the City

of Rochester shall be amended by the deletion therefrom of that part of the first sentence thereof which reads as follows: "and a Justice of the Peace for the City, who shall be styled 'City Justice,'" and by the deletion therefrom of the last sentence thereof reading as follows: "The City Justice shall hold his office for a term of two years,"; and Section 36 shall be amended by deleting therefrom the second sentence thereof reading as follows: "He shall have power to serve and execute any warrant, summons or process issued out of any Justice's Court of the City."; and Section 106 shall be amended by the deletion therefrom of the words "Justice of the Peace"; and Section 108 shall be amended by deleting from the first sentence thereof the words "of which the City Justice has jurisdiction, when the fine for the punishment of said offense, would, if paid, go to the City."

The effective date of this amendment shall be April 1, 1969.

(2) BE IT FURTHER RESOLVED that the proposed amendment as set forth above be submitted to the qualified voters of the City of Rochester for their adoption or rejection at the general "Charter Election" to be held in the several election districts in the City of Rochester on Tuesday, March 12, 1968, between the hours of 7:00 o'clock A. M. and 7:00 o'clock P. M.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause said proposed amendment to be published in its entirety once a week for two consecutive weeks in the official newspaper of the City, the Rochester Post-Bulletin in the City of Rochester, Minnesota, and is further directed to give such other notice of the submission of said proposed amendment to the qualified voters as is required by law.

BE IT FURTHER RESOLVED that the form of the official ballot on said proposed amendment be and it is hereby fixed as follows:

PROPOSED AMENDMENT TO  
THE CHARTER OF THE CITY OF ROCHESTER

YES TO REPEAL CHAPTER VII AND SECTIONS 101 AND 105  
AND TO AMEND SECTIONS 14, 36, 106 AND 108 OF THE  
CHARTER OF THE CITY OF ROCHESTER TO ABOLISH  
NO THE OFFICE OF CITY JUSTICE OF THE PEACE, THE  
CITY JUSTICE'S COURT AND TO REPEAL PROVISIONS  
OF THE CHARTER RELATING TO THE OFFICE OF CITY  
JUSTICE OF THE PEACE AND THE CITY JUSTICE'S COURT.

Passed and adopted by the Common Council of the City of  
Rochester, Minnesota, this 5th day of February, 1968.

Harold Dolbin  
President of said Common Council

Attest: Elfreda Rector  
City Clerk

Approved this 6 day of February, 1968.

(Seal of the City of  
Rochester, Minnesota)

Al P. Smith  
Mayor of said City.

State of Minnesota,  
County of Olmsted,  
City of Rochester, SS

I, Elfreda Reiter, City Clerk of the City of Rochester,  
Minnesota do hereby certify that I have compared the  
attached copy of a resolution with the original resolution  
on file in my office and that the foregoing is a true and  
correct copy of the said resolution and of the whole  
thereof.

Witness my hand this 17th day of April, 1968.

Elfreda Reiter  
City Clerk of Rochester, Minnesota

(Seal of the City of  
Rochester, Minnesota)

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DEPARTMENT OF STATE  
**FILED**  
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*Joseph L. Johnson*  
Secretary of State

AMENDMENT

of the CHARTER of the

CITY OF ROCHESTER

Rochester, Minnesota

The Charter of the City of Rochester, adopted pursuant to Minnesota Constitution, Article 4, Section 36, and Minnesota Laws, 1903, Chapter 238, and ratified August 22, 1904, as amended, be further amended as follows:

That Chapter VII of the Charter of the City of Rochester entitled "COURTS AND JURIES" and consisting of Sections 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, and 81, and Sections 101 and 105 shall be repealed in their entirety; and Section 14 of the Charter of the City of Rochester shall be amended by the deletion therefrom of that part of the first sentence thereof which reads as follows: "and a Justice of the Peace for the City, who shall be styled "City Justice," and by the deletion therefrom of the last sentence thereof reading as follows: "The City Justice shall hold his office for a term of two years."; and Section 36 shall be amended by deleting therefrom the second sentence thereof reading as follows: "He shall have power to serve and execute any warrant, summons or process issued out of any Justice's Court of the City."; and Section 106 shall be amended by the deletion therefrom of the words "Justice of the Peace"; and Section 108 shall be amended by deleting from the first sentence thereof the words "of which the City Justice has jurisdiction, when the fine for the punishment of said offense, would, if paid, go to the City."

The effective date of this amendment shall be April 1, 1969.

The foregoing proposed amendment to the Charter of the City of Rochester is hereby proposed to the people of said City by the Charter Commission thereof, pursuant to Minnesota Constitution, Article XI, Section 4, and Minnesota Statutes, Section 410.12, and is hereby delivered to the Clerk of said City in order that it may be submitted to the voters in accordance with the provisions of said Constitution and Statutes.

IN WITNESS WHEREOF, We have hereunto set our hands this 5th day of December, A.D., nineteen hundred and sixty-seven.

CHARTER COMMISSION, City of Rochester

Carl L. Rison  
Chas. S. Boudier  
Lowell C. Jones  
Edward J. Johnson  
Marion G. Spoo  
Edward J. Johnson

Ernest Thiem  
Stanley S. Johnson  
W. L. Johnson  
Robert C. Johnson

ROCHESTER, MINN.

DEC 18 2 14 PM 1967

ROCHESTER, MINN. CITY CLERK'S OFFICE

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STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
APR 24 1968  
Joseph L. Johnson  
Secretary of State

State of Minnesota,

County of Olmsted,

City of Rochester, SS

I, Elfreda Reiter, City Clerk of the City of Rochester,  
Minnesota, do hereby certify that I have compared the attached  
copy of an amendment of the Charter of the City of Rochester  
with the original amendment on file in my office and that the  
foregoing is a true and correct copy of the said amendment  
and of the whole thereof.

Witness my hand this 17th day of April, 1968.

*Elfreda Reiter*  
City Clerk of Rochester, Minnesota

(Seal of the City of  
Rochester, Minnesota)

R E S O L U T I O N

BE IT RESOLVED by the Common Council of the City of Rochester, Minnesota:

That the attached sheet, marked "Exhibit "A" is a tabulated statement and list of the number of votes cast for each person at the Charter Election held on March 12th, 1968, in the City of Rochester, Minnesota, as determined by said Common Council on the canvass of the said returns of said election made the 13th day of March, 1968, the said statement is hereby declared to show the results of this election.

Said tabulated list and statement is attached.

SO THEREFORE, Be it resolved by the Common Council of the City of Rochester, Minnesota:

That Harold J. "Dutch" DeVries is hereby declared to be elected to the office of Alderman at Large of the City of Rochester, at the Charter Election held March 12th, 1968, to hold office for two years and until his successor is elected and qualified;

That Vincent D. Folkert is hereby declared to be elected to the office of Alderman of the Second Ward of the City of Rochester, at the Charter Election held March 12th, 1968, to hold office for two years and until his successor is elected and qualified;

That Richard J. Postier is hereby declared to be elected to the office of Alderman of the Fourth Ward of the City of Rochester, at the Charter Election held March 12th, 1968, to hold office for two years and until his successor is elected and qualified;

That D. Dewey Day is hereby declared to be elected to the office of Alderman of the Sixth Ward of the City of Rochester, at the Charter Election held March 12th, 1968, to hold office for two years and until his successor is elected and qualified.

Be it further resolved that the total number of votes cast at said election on the question of whether Minnesota Statutory provisions authorizing the issuance of licenses permitting the sale of intoxicating liquor on Sundays should apply to the City of Rochester was 9,221 of which 4,228 votes were in favor of its adoption and 4,993 votes were opposed. That the votes in favor of the question were not the required 50 percent of the total votes cast thereon, and therefore, the City Council of the City of Rochester is not authorized to issue such licenses.

Be it further resolved that the total number of votes cast at said election on Amendment No. 1 was 8,917 of which 6,702 votes were in favor of its adoption. That the votes in favor of the amendment were more than the required 55% of the total votes cast thereon, and therefore the amendment was declared duly adopted.



Passed and adopted by the Common Council of the City of Rochester, Minnesota,  
at a meeting thereof held this 13th day of March, A.D. 1968.

William H. Gurvey  
President of said Common Council

Attest: Editha Renter  
City Clerk

Approved this 13 day of March, A.D. 1968.

W. P. Smith  
Mayor of said City

(Seal of the City of  
Rochester, Minnesota)

EXHIBIT "A"

NAME AND OFFICE	FIRST WARD		SECOND WARD		THIRD WARD		
	1	2	1	2	1	2	3

ALDERMAN AT LARGE

Stanley J. Brooks	293	516	282	270	252	348	143
Harold J. "Dutch" De Vries	299	418	504	550	262	354	152

ALDERMAN - SECOND WARD

Vincent D. Folkert			643	668			
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ALDERMAN - FOURTH WARD

Richard J. Postier

ALDERMAN - SIXTH WARD

John Brunnette

D. Dewey Day

QUESTION ON SUNDAY LIQUOR

Shall the provisions of Subdivision 4 of Section 340.14 of Minnesota Statutes 1965, as amended and set forth in Chapter 691 of laws of Minnesota 1967 authorizing the issuance of special licenses to certain hotels and restaurants permitting the sale of intoxicating liquors on Sundays, apply to the City of Rochester?

"YES" received	236	342	394	437	195	342	148
"NO" received	337	565	360	368	303	350	148

FOURTH WARD		FIFTH WARD			SIXTH WARD		TOTAL
1	2	1	2	3	1	2	

341	437	186	276	313	230	407	4,294
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233	391	141	325	453	278	764	5,124
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1,311

470	686						1,156
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					118	481	599
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					399	707	1,106
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 APR 24 1968  
*Joseph L. Johnson*  
 Secretary of State

208	321	116	268	354	259	608	4,228
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348	485	199	327	405	244	554	4,993
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EXHIBIT "A" (CONT.)

FIRST WARD		SECOND WARD		THIRD WARD			FOURTH WARD	
1	2	1	2	1	2	3	1	2

AMENDMENT NO. 1

To repeal Chapter VII and Sections 101 and 105 and to amend Sections 14, 36, 106 and 108 of the Charter of the City of Rochester to abolish the office of City Justice of the Peace, the City Justice's court and to repeal provisions of the Charter relating to the office of City Justice of the Peace and the City Justice's court.

"YES" received	385	596	598	626	332	507	230	320	552
"NO" received	179	271	141	159	158	164	65	201	240

FIFTH WARD			SIXTH WARD		TOTAL
1	2	3	1	2	

196	479	530	396	955	6,702
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108	110	133	105	181	2,215
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State of Minnesota,

County of Olmsted,

City of Rochester, SS

I, Elfreda Reiter, City Clerk of the City of Rochester,  
Minnesota do hereby certify that I have compared the  
attached copy of a resolution with the original resolution  
on file in my office and that the foregoing is a true and  
correct copy of the said resolution and of the whole  
thereof.

Witness my hand this 17th day of April, 1968.

*Elfreda Reiter*  
City Clerk of Rochester, Minnesota

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