

## Village wants organic garden removed from public land

Written by STEVE OSTERMANN  
Wednesday, 29 August 2012 17:57

---

### **Board poised to reject resident's request to set up garden co-op on 14th Ave. site she has used for years**

A Grafton resident using public land to grow an organic garden is challenging a village decision that calls for her to end the longtime practice.

Marla Zahn, who said her family has maintained a garden plot off 14th Avenue for decades, last week asked the Village Board for permission to establish a organic garden co-op at the site, which is in a public right-of-way.

She appeared before trustees in response to a recommendation from the Public Works Board to deny the request and have her remove all personal property from the site by Nov. 1.

In making a unanimous recommendation, Works Board members said Zahn did not have permission to use the site and the right-of-way has been earmarked for use as a canoe portage path for the nearby Bridge Street dam.

Village officials also noted a community garden was established this year on a River Bend Road site, where Zahn's expertise as a gardener would be welcomed.

Reading from a letter written by Zahn, Cheryl Erlandsson told the Village Board it should approve Zahn's request because the 14th Avenue site is better suited for a garden than the River Bend Road property because of soil conditions and location.

Erlandsson also said the village could build a dirt path, rather a more expensive paved path, to meet Department of Natural Resources requirements for the portage. The dirt path would save village taxpayers money, she said.

Erlandsson suggested "a mutually beneficial compromise" that would allow the garden to remain at the site without interfering with the path.

In her letter, Zahn described her proposal as a "win-win-win project" because it would satisfy DNR requirements, save the village money and provide "the citizens of Grafton with an organic gardening co-op for the elderly, disabled and anyone else that chooses to participate."

Erlandsson said Zahn has easement rights to the property, which borders her family's land, under an "adverse possession" in state statutes.

"With current mandates of 'Go Green,' why would anyone want to tear down an organic garden?" Erlandsson asked.

In July, Zahn discussed her request with the Parks and Recreation Board, which referred the plan to the Works Board.

## Village wants organic garden removed from public land

Written by STEVE OSTERMANN  
Wednesday, 29 August 2012 17:57

---

Village Board members questioned why Zahn had not come forward before plans were made for the River Bend Road garden.

“I’m a little upset that the community garden has been talked about for two years, and this is the first time you’ve come forward,” Trustee Sue Meinecke told Zahn.

Trustee Lisa Harbeck said Zahn’s gardening talents would be an asset to the River Bend Road project.

“Maybe we could work together on this,” Harbeck said.

Sensing a possible legal challenge to a denial of Zahn’s request, the Village Board tabled action on the Works Board’s recommendation.

Village President Jim Brunnuell referred the matter to Village Attorney Mike Herbrand for review. Herbrand was instructed to provide a recommendation at the Tuesday, Sept. 4, Village Board meeting.

“I think a decision has to be made. It’s best to resolve this sooner than later,” Herbrand told the board.

Brunnuell told Zahn that if she choose to challenge a village decision through court, she would be “incurring legal fees on taxpayers.”