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Tevlin: New rules in May Township hit Hmong farmers hardest

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If you buy your fresh lettuce, peppers and zucchini at one of the area farmers markets, it's likely that some of the produce comes from one of the 30 or so Hmong families that work a 100-acre farm just north of Stillwater, in May Township.

Nearly every day, the farmers get up early and drive out to their respective plots to pick vegetables that they bring to the St. Paul or Minneapolis farmers markets, or to sell on Nicollet Mall on Thursdays.

Most of the families are poor. For some, it's a second job, but for others it's their only source of income. The days are long and the work is arduous, but it helps them get by and be independent.

The future of that produce, and the livelihoods of the Hmong families, has been in doubt this summer when the township made a bizarre ordinance change that sharply restricted vegetable gardening.

The change raised eyebrows. Important eyebrows.

Susan Stokes, executive director of the Farmers' Legal Action Group (FLAG), took notice, then action. First, the ordinance limited vegetable farming to the hours of 7 a.m. to sunset, but specifically excluded the larger, mechanized farms in the area that raise animals, corn or soybeans.

What farmer sleeps in until 7 a.m.? Exactly -- none.

It also limited the number of vehicles that could be parked along the road (again, exempting large farms), mandated portable toilets and called for farmers to get permits for plots larger than five acres.

To some, it seemed like an ordinance exclusively designed to make farming difficult for one group of people: Hmong gardeners.

So Stokes' group got involved, then got the interest of former U.S. Attorney David Lillehaug. A couple of weeks ago, the legal team used the Freedom of Information Act to request all documents relating to the ordinance, and how it was crafted.

As of Thursday, the township suddenly became eager to listen to the farmers.

I asked Stokes if the change of attitude was caused by the very real potential of an expensive discrimination lawsuit.

"I tend to have a more generous interpretation," Stokes said diplomatically. "They seem genuinely interested in making this work. I'm very happy that they are taking a second look.

"It's been very puzzling to me from the beginning why they would create an ordinance that only applied to one group of people," said Stokes. "It doesn't make sense."

Dave Snyder, the attorney for May Township, said the township board received complaints from some residents, but they had nothing to do with the race of the farmers, but rather "partly a concentration of people and cars and the sanitation."

Snyder said there also had been previous problems of rubbish and junk with the property owner, who leases it to the



Hmong farmers rent 100 acres of land to grow their crops in May Township north of Stillwater.

Marlin Levison, Star Tribune

Hmong. The board sent letters to him warning of the ordinance, but he apparently never received them, Snyder said. So the board invoked the ordinance.

Enforcement scaled back

He said Monday that they plan to meet with the Hmong farmers soon and revisit the ordinance. Meanwhile, he said, they are not enforcing the hour restrictions, and the farmers voluntarily added portable toilets.

A month ago it seemed like the farm families would have to find another place to grow their food, but Snyder said "I fully expect they will be allowed to farm there next year."

That's good news for Robert Lor, a spokesman for the group, who began farming after being laid off from a full-time job a couple of years ago. He now works temp jobs and augments his income by selling vegetables at both the major city markets and in some small towns.

"People say, 'Why are your crops so good?'" said Lor. "I say because the soil is very, very good. Good for potatoes, onions, tomatoes. It would be hard to find land this good.

"We've been helping each other," Lor said of trying to work around the new rules. "We are trying to make community living better."

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