

McLean County Commission Proceedings
Tuesday, April 18, 2017

The final regular April meeting of the Board of Commissioners was called to order at 8:30 a.m. by Chairperson Doug Krebsbach. Present were Commissioners Krebsbach and Barry Suydam. Also present were Sam Welch of Bismarck, Matt Schaible of Mandan, Auditor Les Korgel, Deputy Auditor Nancy Leidholm, and Suzanne Werre of BHG News Services. Absent was Commissioner Steve Lee.

Moved by Suydam, to approve the minutes of the previous meeting as submitted. Roll Call Vote: Aye: Suydam and Krebsbach. Nay: None. Absent and not voting: Lee. Motion carried.

Commissioner Steve Lee joined the meeting.

Highway Superintendent Jim Grey joined the meeting with departmental updates. He informed the commission that County Road #12, brought out of water last fall, is now being graveled. Crews have been doing shoulder work in hopes of completing the work before the grass begins growing.

Moved by Lee, seconded by Suydam, to approve and sign the North Dakota Department of Transportation (DOT) County Agreement for Construction of Federal Aid Project Title II Safety Program agreement to install a new active warning device at crossing DOT 693434A over McLean County Road 18, north of the city of Falkirk. The estimated project cost is \$187,003.13; 10% to be funded by the County. Roll Call Vote: Aye: Suydam Lee, and Krebsbach. Nay: None. Motion carried.

Moved by Suydam, seconded by Lee, to approve the permit request from Reservation Telephone Cooperative of Parshall to install and maintain 1½" conduit under 38th Avenue NW located in the SE¼ of Section 10 and the SW¼ of Section 11, Township 148 North, Range 84 West; 1½" conduit under County Road 17/37th Avenue NW located in the SE¼ of Section 11 and the SW¼ of Section 12 in Township 148 North, Range 84 West; 1½" conduit under 36th Avenue NW located in the SE¼ of Section 12, Township 148 North, Range 84 West and the SW¼ of Section 7, Township 148 North, Range 83 West. This is part of their fiber optic upgrade to customers in this area. Roll Call Vote: Aye: Suydam Lee, and Krebsbach. Nay: None. Motion carried.

Land Use Assistant Cassie Goetz joined the meeting with a recommendation from the Planning & Zoning Commission.

Moved by Lee, seconded by Suydam, to concur with the Planning & Zoning Commission and approve the variance request from Myra Ziegler and Scott Ziegler of Minot for land described as Lot 4 of Berget Subdivision (Crooked Lake), located in Section 17, Township 148 North, Range 80 West, to allow the construction of a garage closer than the required 125 foot setback from the center line of County Road 8. Roll Call Vote: Aye: Suydam Lee, and Krebsbach. Nay: None. Motion carried.

Korgel presented Lynn Helm's "Director's Cut" report regarding oil/gas production, producing wells, and permitting, ND sweet crude prices and rig count along with the State Summary report for February.

Moved by Lee, seconded by Suydam, to approve the raffle permit request from Garrison Golf Club for a quilt raffle to be held on July 17, 2017 with a total prize value set at \$300.00, proceeds directed towards an "In Honor Bench". Roll Call Vote: Aye: Suydam, Lee, and Krebsbach. Nay: None. Motion carried.

Moved by Suydam, seconded by Lee, to approve the raffle permit request from McLean County Speedway for a money raffle, drawings to be held on May 25, June 1, June 15 and July 30, 2017, with a total prize value set at \$3,200.00. Roll Call Vote: Aye: Suydam, Lee, and Krebsbach. Nay: None. Motion carried.

Moved by Lee, seconded by Suydam, to approve the permit request from McLean County 4-H Leader's Council for a 50/50 raffle to be held on the McLean County Fairgrounds from June 16 – June 18, 2017. Roll Call Vote: Aye: Suydam, Lee, and Krebsbach. Nay: None. Motion carried.

Moved by Suydam, seconded by Lee, to approve the Gaming Site Authorization for Garrison Area Improvement Association to conduct games of chance at Stoney End in Garrison from July 1, 2017 through June 30, 2018. Roll Call Vote: Aye: Suydam, Lee, and Krebsbach. Nay: None. Motion carried.

Moved by Suydam, seconded by Lee, to approve the Gaming Site Authorization for Garrison Area Improvement Association to conduct games of chance at Garrison Golf Club from July 1, 2017 through June 30, 2018. Roll Call Vote: Aye: Suydam, Lee, and Krebsbach. Nay: None. Motion carried.

Moved by Lee, seconded by Suydam, to approve the Gaming Site Authorization for American Legion Post #133 to conduct games of chance at The Shore Bar & Grill, Mercer, from July 1, 2017 through June 30, 2018. Roll Call Vote: Aye: Suydam, Lee, and Krebsbach. Nay: None. Motion carried.

States Attorney Ladd Erickson; Hughie Weisenberger of Fargo; Paul and Dawn Moen of Bismarck; Barbara Ziegler and Russel Hoggarth of Mandan; and Rick Walker, Max Schriock, and Jon Collins of Minot joined the meeting to discuss a boat dock at Ziegler's Landing.

Moved by Lee, seconded by Suydam, to approve the following vouchers for payment:

CHECK #	VENDOR	DESCRIPTION	AMOUNT
A132377	ACME TOOLS	GARRISON SHOP SUPPLIES, COVERALLS FOR CRACK SEALING	691.51
A132378	BUTLER MACHINERY COMPANY	PARTS, OIL, WASHBURN & GARRISON SHOP SUPPLIES, MAINTENANCE SHOP	5,596.29
A132379	CHS INC	OIL FOR CRACK SEALING	27,658.63
A132380	DAKOTA FLUID POWER, INC.	PARTICULATE REMOVAL FILTERS,	1,182.79

		HEADS, & BREATHER CAP	
A132381	ENERBASE COOP RESOURCES	LP, FUEL & GREASE	6,176.27
A132382	ESCO BISMARCK	CUTTING EDGES	2,142.99
A132383	WILTON FARMERS UNION OIL CO	PARTS, LP AT UNDERWOOD & BUTTE SHOPS	725.01
A132384	GARRISON FARMERS UNION OIL CO	GARRISON SHOP SUPPLIES, OIL	485.74
A132385	TURTLE LAKE FARMERS UNION OIL	HITCH PIN CLIP	2.25
A132386	FILTER CARE OF GRAFTON	WASHED FILTERS	83.00
A132387	FULL SOURCE, LLC	SAFETY GLASSES	214.20
A132388	GARRISON CITY	GARBAGE/WATER	59.05
A132389	GCR TIRE CENTERS	TIRES	2,955.80
A132390	JOHNSEN TRAILER SERVICE	PARTS	950.52
A132391	JOHN DEERE FINANCIAL	PARTS, OIL	4,035.72
A132392	MASTER FIRE & SAFETY	FIRE EXTINGUISHERS	1,077.80
A132393	MCLEAN ELECTRIC COOPERATIVE	ROSEGLEN, UNDERWOOD & GARRISON SHOPS	784.00
A132394	MDU	WASHBURN, TURTLE LAKE, MAX & GARRISON SHOPS	854.64
A132395	MENARDS - MINOT	DOOR HANDLES, LIGHTS	487.37
A132396	AGPRO EQUIPMENT - NAPA	PARTS, WASHBURN SHOP SUPPLIES, SAFETY ITEMS, OUT SHOP SUPPLIES, GARRISON SHOP SUPPLIES	3,319.92
A132397	NAPA AUTO PARTS-GARRISON	PARTS, GARRISON SHOP SUPPLIES, SAFETY ITEMS, OIL	4,021.22
A132398	NORTHERN PLAINS EQUIPMENT	PARTS	357.34
A132399	O'DAY EQUIPMENT, LLC	WASHBURN SHOP SUPPLIES	1,657.71
A132400	PRAXAIR DISTRIBUTION	PARTS	406.47
A132401	RESERVATION TELEPHONE COOP	TELEPHONE	117.86
A132402	SCHWAN BUICK, GMG, CADILLAC	REPAIRS ON 12-003	496.68
A132403	SWANSTON EQUIPMENT CORP	LH BLADE KIT & RH BLADE KIT	587.52
A132404	WAGON WHEEL LUMBER	WASHBURN SHOP SUPPLIES, PARTS	70.93
A132405	WEST RIVER TELECOMM	TELEPHONE/DSL	90.81
A132406	ABM INC	COPIER MAINTENANCE AGREEMENT - STATES ATTORNEY	989.46
A132407	MARCELLA ALBERS	FEBRUARY TRAVEL	58.86
A132408	AMERICAN TRUST CENTER	QTRLY FEES – LEE, ERICKSON, KORGEL	1,930.27
A132409	RENAE L BITNER	SIGN LANGUAGE INTERPRETOR FOR ANNIES PROJECT/DRIVE TIME – COUNTY AGENT	1,600.00
A132410	C&S REPAIR	BRAKE PADS/LABOR – SHERIFF	188.14
A132411	CHASE DRUG STORE	PRISONER MEDICATION – SHERIFF	227.12
A132412	D&L AUTOMOTIVE	UNIT S-3 OIL CHANGE, HEAD LIGHT & INSTALL	89.48
A132413	DACOTAH PAPER COMPANY	JANITORIAL SUPPLIES, LIGHT BULBS, D BATTERIES; NITRILE GLOVES, SHAMPOO, BODY WASH, LAUNDRY SOAP – SHERIFF; LIME VESTS, COVERALLS – HIGHWAY	2,496.72
A132414	DAKOTA TOWING	UNOCK CAR DOOR – SHERIFF	50.00
A132415	DAKOTA CENTRAL SOCIAL SVCS	McLEAN COUNTY SHARE BILLABLE EXPENSES – MARCH 2017	35,639.86
A132416	DOC'S SHOP	UNIT S-7 REPLACE INTAKE & SPARK PLUG, OIL CHANGES, REPAIRS – SHERIFF	1,686.60
A132417	ED'S SERVICE	GASOLINE – SHERIFF	38.50
A132418	CALANDRIA JARBOE EDWARDS	REIMBURSE APRIL CELL PHONE, MARCH TRAVEL	370.26
A132419	MICHELLE EFFERTZ	REIMBURSE APRIL CELL PHONE, SUPPLIES FOR SCHOOL PROGRAM, MARCH TRAVEL	90.19
A132420	ENERBASE COOP RESOURCES	GASOLINE – SHERIFF	85.83
A132421	LADD R ERICKSON	FEBRUARY TRAVEL	642.00
A132422	WILTON FARMERS UNION OIL CO	GASOLINE, OIL CHANGE – SHERIFF	570.65
A132423	FARMERS UNION SERVICE ASSOC	BUSINESS AUTO, GENERAL LIABILITY, & INLAND MARINE POLICY RENEWAL	108,696.00
A132424	GARRISON VETERINARY SERVICE	DOG FOOD – SHERIFF	156.20
A132425	GRIMSLEYS EXHAUST & FUELS	GASOLINE – SHERIFF	469.10
A132426	JAN HANSON	APRIL TRAVEL	19.26
A132427	INFORMATION TECHNOLOGY DEPT	T-1 LINE ACCESS, ACTIVE DIRECTORY USER FEES, VPN, EXCHANGE EMAIL ACCOUNTS; LERMS USER FEES – SHERIFF	1,252.50
A132428	J&R VACUUM & SEWING CENTER	ROYAL VACUUM CLEANER	99.95
A132429	JB REPAIR INC	WIPER BLADES – SHERIFF	26.14
A132430	RICHARD JOHNSON	CELL PHONE REIMBURSEMENT	30.00
A132431	KEN'S BODY SHOP	IMPOUNDS – SHERIFF	525.00
A132432	KRAUSE'S MARKET	INMATE MEALS, FOOR FOR DYSP & KIDS IN THE GARDEN	8,403.96

A132433	NOELLE KROLL	REIMBURSE APRIL CELL PHONE	30.00
A132434	WADE KROHMER	REIMBURSE INMATE LUNCH	34.72
A132435	CURT MALO	REIMBURSE APRIL CELL PHONE	30.00
A132436	MCLEAN ELECTRIC COOPERATIVE	SECURITY LIGHTS – PARK, COURTHOUSE; PARK BOARD, SPORTSMEN CENTENNIAL PARK, CAMPER PADS, CENTENNIAL PARK CAMPGROUND METER, GARAGE	783.00
A132437	MDU	COURTHOUSE, LAW ENFORCEMENT CENTER	637.83
A132438	MIDCONTINENT CABLE CO	CABLE TV – LAW ENFORCEMENT CENTER	93.21
A132439	MORTON COUNTY SHERIFF'S DEPT	INMATE HOUSING – SHERIFF	225.00
A132440	NAPA AUTO PARTS-GARRISON	OIL FILTERS – PARK; OIL, AIR FILTERS – WEED CONTROL	73.20
A132441	NDCCAA	CORRECTIONAL CENTER ADMIN ASSOC DUES	100.00
A132442	ND STATE RADIO COMM	TELETYPE 1/1/2017 – 3/31/2017	480.00
A132443	NDSU EXTENSION SERVICE	JULY THRU DECEMBER 2016 SALARIES - EFFERTZ/EDWARDS; JANUARY THRU JUNE 2016 – MEALS – EFFERTZ/EDWARDS	25,707.25
A132444	ND YOUTH CORRECTIONAL CTR	DETENTION CARE FOR McLEAN COUNTY JUVENILE	1,139.92
A132445	RYAN OBERG	REIMBURSE APRIL CELL PHONE	30.00
A132446	PHARMCHEM INC.	SWEAT PATCH ANALYSIS	1,891.00
A132447	DONALD FLINN	PLANNING & ZONING TRAVEL	10.70
A132448	DARWIN SAARI	PLANNING & ZONING TRAVEL	26.75
A132449	RECORD KEEPERS	SHREDDING SERVICES – MARCH	24.50
A132450	RESERVATION TELEPHONE COOP	GARRISON DEPUTIES, PARK, 911 TRUNKING	186.53
A132451	GREGORY IAN RUNGE	MENTAL HEALTH	445.00
A132452	SEVERIN, RINGSAK & MORROW	COURT APPOINTED COUNSEL	1,590.00
A132453	SRT COMMUNICATIONS, INC	911 TRUNKING	698.28
A132454	TASER INTERNATIONAL	TASERS, BATTERIES, CARTRIDGES, HOLSTERS – SHERIFF	7,904.05
A132455	UNIFORM CENTER	UNIFORM SHIRT – SHERIFF	66.99
A132456	US POSTMASTER	POST OFFICE BOX FEE – PARK #98	116.00
A132457	VERIZON WIRELESS	DATA CARDS – SHERIFF	880.22
A132458	MELODY WANNEMACKER	CATERING MEALS FOR ANNIE'S PROJECT	1,890.00
A132459	WASHBURN AUTO BODY LLC	WINDSHIELD & WIPERS, MOUNT & BALANCE TIRES – SHERIFF	727.52
A132460	WEST RIVER TELECOMM	911 TRUNKING, SHERIFF LINES, RADIO TOWER, MONTHLY CHARGES	3,751.04
A132461	WESTERN STEEL & PLUMBING	THERMOSTAT FOR WATER HEATER	33.49
A132462	WEX BANK	FLEET CARD, GASOLINE – SHERIFF	7,682.32

Roll Call Vote: Aye: Suydam, Lee, and Krebsbach. Nay: None. Motion carried.

The Chairperson recessed the meeting at 9:11 a.m.

The Chairperson reconvened the meeting at 9:30 a.m.

Max Schriock spoke on behalf of the Ziegler's Landing Homeowner's Association (HOA) requesting the county to sponsor a boat dock at Ziegler's Landing. They have been in contact with ND Game & Fish (G&F) who will supply the dock and are asking McLean County to provide the insurance for the boat dock. G&F requires that the Commercial General Liability insurance policy cover not less than \$250,000.00 per person and \$1,000,000.00 per occurrence, with G&F listed as an additional insured on the policy. The HOA will assume all maintenance responsibilities for the dock including continually monitoring and adjusting for rising and falling water levels, installing the dock in a timely fashion after ice-out each spring and removed prior to freeze-up each fall. Schriock went on to say that the existing boat ramp is used by many more than just the residents of the eight lots in the Landing. The dock would essentially be for assistance in getting on and off of boats.

Korgel stated that North Dakota Insurance Reserve Fund (NDIRF) wouldn't give a policy for the boat dock in the past because it was a private entity. He feels now that the HOA is requesting it, they may allow it.

States Attorney Ladd Erickson questioned those in attendance if anyone had looked into private insurance. Hoggarth stated that the cost would be astronomical and most insurance companies won't even look at it. Erickson then questioned what the HOA could afford for a premium to which Hoggarth responded that the county already has several docks insured stating it would be minimal to the county. Schriock added that it would be a great risk for the eight families that live there to supply insurance when the ramp is open to the public. Financially they cannot afford that.

Lee wondered if NDIRF would require the insured to be in control of the dock, monitoring and maintain it.

Korgel stated that the county does have cooperative agreements for several boat ramps guessing that insuring the dock wouldn't be a premium bump.

Erickson questioned garbage clean up around the area to which Schriock stated that most everyone picks up after themselves. Lee questioned if there were dumpsters available. Schriock stated there are no dumpsters, it is a primitive site.

Brent Thompson of Martin; Wayne Anderson of Central Specialties, Inc., Alexandria, MN; Caroline Heller of Knife River Corporation, Bismarck; Ted Billadeau of Mayo Construction, Cavalier; and Todd Mantz of Sundre Sand & Gravel, Inc., joined the meeting.

Krebsbach questioned if the homeowners are o.k. with the additional traffic that may come with the addition of the boat dock. Those present stated yes.

McLean County NDIRF agent Mike Nelson joined the meeting via telephone. Nelson will do some research and get back to the Auditor with the information. Erickson doesn't see where the downside would be if there is no increase in premium. Lee's biggest concern is the liability and if that clears he has no problem with it.

The commission tabled a decision until further information is received from Nelson.

Highway Superintendent Jim Grey and Wold Engineering representative Mike Rivinius rejoined the meeting for the scheduled bid openings.

Grey opened bids for the scheduled 10:00 a.m. bid opening for road project CNOC-0028(055).

Seven bids were received. Aggregate Construction of Minot submitted a total bid in the amount of \$435,384.40; Central Specialties, Inc. of Alexandria, MN submitted a total bid in the amount of \$581,220.45; Gratech Company of Berthold submitted a total bid in the amount of \$487,439.01; Knife River Corporation of Bismarck submitted a total bid in the amount of \$667,707.36; Park Construction of Minneapolis, MN submitted a total bid in the amount of \$581,816.70; Rachel Contracting of St. Michael, MN submitted a total bid in the amount of \$582,482.05; and Sundre Sand & Gravel, Inc. of Minot submitted a total bid in the amount of \$445,748.01.

Moved by Lee, seconded by Suydam, to concur with the recommendation of Rivinius and award project CNOC-0028(055) to Aggregate Construction, Inc. for the amount of \$435,384.40 and authorize the appropriate county officials to sign the construction contract. Roll Call Vote: Aye: Suydam, Lee, and Krebsbach. Nay: None. Motion carried.

Grey opened bids for the scheduled 10:15 a.m. bid opening for road project CP-2800(017).

Two bids were received. Astech Corporation of St. Cloud, MN submitted a total bid in the amount of \$948,559.38; and Mayo Construction, Inc. of Cavalier submitted a total bid of \$918,379.28.

Moved by Suydam, seconded by Lee, to concur with the recommendation of Rivinius and award project CP-2800(017) to Mayo Construction, Inc. for the amount of \$918,379.28 and authorize the appropriate county officials to sign the construction contract. Roll Call Vote: Aye: Suydam, Lee, and Krebsbach. Nay: None. Motion carried.

Former county employee Chris Magruder of Garrison joined the meeting.

The Chairperson recessed the meeting at 10:24 a.m.

The Chairperson reconvened the meeting at 10:30 a.m.

Road Foreman Charles Bonney joined the meeting.

Chairperson Krebsbach opened a grievance hearing at 10:32 a.m. and turned the meeting over to the States Attorney.

Erickson stated that county policy allows a terminated employee the option to appeal the dismissal before the Board of County Commissioners. Magruder disagrees with his dismissal from his Equipment Operator II position with the Highway department and was asked to present his case.

Magruder stated that he doesn't understand why he was fired for verbal abuse and admits to talking about various department heads saying that everyone has said things in trying to make suggestions to improve operations including Road Foreman Charles Bonney. After a couple of written warnings Magruder stated that he'd tried talking with Bonney to iron things out. He had a conversation with Commissioner Suydam regarding his issues with the department and feels he got thrown under the bus because of that. Magruder also admits to flying off the handle when written up and wanted to get Suydam and Grey together to talk. He stated that he came in to work on New Year's Day when no one else did; offered to work weekends and evenings to make extra money; and doesn't feel he said anything that anyone else in the shop hasn't said. Lee questioned Magruder if he was planning to leave employment regardless of what happens today. Magruder answered yes. Lee then asked him what he was hoping to accomplish. Magruder stated that he'd never been fired before; that he wasn't here for the money. Garrison is a small town and he wants the chance to speak his side and clear his name as well as speak for other highway employees that are afraid to say anything.

Erickson stated that by looking at the performance reviews, Magruder had some good comments on how to improve the job, but feels that attitude and verbally abusiveness are the heart of the problem. Magruder feels he was fired because of verbal abuse towards Auditor Leslie Korgel and Highway Superintendent Jim Grey and comments on how the county should spend money. He contacted Human Resource person Lori Foss and was directed to speak with Grey. Magruder states that he'd planned to talk to Grey the next day but was fired and thinks it funny how he was fired right after visiting with Foss.

Erickson stated that the reviews and written warning show counsel on abusive remarks on more than one occasion. Magruder doesn't feel it was his attitude as he got along with most of the guys and didn't create a bunch of shop politics; he did his job. Erickson stated that whether you disagree or not with a supervisor, you cannot be openly insubordinate. Magruder responded that everyone has blown up with Bonney over the winter and questioned why they haven't been fired.

Erickson questioned Magruder as to what he wants the commission to do today, adding that he has moved on to a new job. Magruder stated that things are not going well at the shop and he would like to see some changes. He'd like to know how one guy can blow up and get fired and another one doesn't. He believes he was punished for his conversation with Suydam as after that, he

was kept in the shop to sweep and wash floors rather than run equipment. He also wondered why Bonney could say they could meet after work and settle things off property.

Suydam explained to Magruder that issues within the department are being worked on and asked him if he wanted his job back. Magruder replied no. Suydam told him that he appreciated him giving him his honest opinion about things in the shop. Magruder stated that there are a lot of people having problems and they don't know who to talk to to work things out without getting fired. Krebsbach questioned him if the Garrison shop employees asked him to come here and speak for them. Magruder said that once the grievance was filed, they hoped he could be a spokesman for them. Suydam asked if he wanted the chance to resign without being fired or if he wanted to be reinstated. Magruder answered no, he feels things that went down were pretty underhanded and wanted the commission to hear his side.

When questioned by Erickson, Road Foreman Charles Bonney stated he was involved with hiring Magruder stating that he had some training but very little experience. He was a good employee in the beginning but things deteriorated as time went on regarding attitude. Bonney stated that Magruder was very disgruntled and unpredictable and had received multiple complaints of verbal abuse from tax payers and one employee. When trying to talk with him about attitude, Magruder was facial with him; tried to get a rise out of him; was agitated, fidgety and swore and slammed the door when leaving. Bonney stated that he was terminated for how he handled the counseling. Suydam questioned Bonney wanting to know if Magruder had been threatened with being written up for talking with Suydam. Bonney responded no. Suydam hopes their conversation was not used against him. Lee asked what Magruder's response to counseling was. Bonney stated Magruder responded with foul language. Lee questioned if Magruder followed up with the suggestions given. Bonney stated just with negativity and he was not rational.

When questioned by Erickson, Grey stated that he had discussed the situation with Bonney, but it was handled by Bonney.

Erickson recommends sustaining the actions taken by the Highway department supervisors. He feels Magruder's behavior justified the actions taken. He was terminated because of his attitude and the way he expressed himself. The county cannot operate if employees don't have respect for authority.

Moved by Lee, seconded by Suydam, to concur with the actions taken by the Highway department and sustain Magruder's termination decision. Lee stated that there is a chain of command to follow and it doesn't involve talking to an individual commissioner; it should be a commission process. There needs to be a level of respect for supervisors and he feels the county's policy works well. Everyone should be treated fairly. Roll Call Vote: Aye: Suydam, Lee, and Krebsbach. Nay: None. Motion carried.

The Chairperson closed the grievance hearing at 11:17 a.m.

There being no further business, the chairperson declared the meeting adjourned at 11:17 a.m. until the next regularly scheduled meeting on Tuesday, May 2, 2017. The commission minutes and agenda can be found on the county website at <http://www.mcleancountynd.gov>.

Doug Krebsbach, Chairperson

Nancy Leidholm, Deputy Auditor