

TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
MARCH 4, 2002

The Tippecanoe County Commissioners met on Monday, March 4, 2002 at 9:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel, Vice President KD Benson, and Member Ruth E. Shedd; Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney David W. Luhman, and Secretary Pauline E. Rohr.

President Knochel called the meeting to order and led the Pledge of Allegiance.

APPROVAL OF MINUTES

Commissioner Benson moved to approve the minutes of the February 12, 2002 Joint Meeting with the County Council and February 19, 2002 Regular Meeting as distributed, seconded by Commissioner Shedd; motion carried.

APPROVAL OF CLAIMS

- Upon the recommendation of Commissioners' Assistant Weston, Commissioner Shedd moved to approve the Claims as submitted for the periods ending February 22, 2002, March 1, 2002, and March 4, 2002, seconded by Commissioner Benson; motion carried.

HIGHWAY: Executive Director Mark Albers

BIDS OPENED: Replacement of County Bridges #44 & #58

Jack Isom Construction Co., Inc.	Bid Bond	\$515,103.69
Atlas Excavating, Inc.	Bid Bond	564,536.10
Wirtz Yates Construction, Inc.	Bid Bond	599,957.33

Engineer's Estimate: \$514,300.00

- Upon Mr. Albers' recommendation, Commissioner Benson moved to take the bids under advisement, seconded by Commissioner Shedd; motion carried.

REQUESTS FOR PROPOSALS (RFPs) OPENED: Engineering Services for NBIS (National Bridge Inspection Standards)

This is a Federal Program for the inspection of County bridges greater than 20 feet in length in 2002 and a reinspection in 2004.

H. Stewart Kline & Associates, Inc.
Beam, Longest and Neff, L.L.C.
Bernardin Lockmueller Associates, Inc.
Butler, Fairman and Seufert, Inc.

- Upon Attorney Luhman's recommendation, Commissioner Benson moved to take the RFPs under advisement, seconded by Commissioner Shedd; motion carried.

STREET ACCEPTANCE: Lakeshore SD, Ph 1

SUBDIVISION STREET MAINTENANCE BOND: #3443243, Fairfield Contractors, Inc.

Mr. Albers recommended acceptance of the following streets in Lakeshore SD, Ph 1:

Ledyard Street	998.82'
Chenango Place	918.56'
Halyard Street	483.35'

- Commissioner Benson moved to accept the Streets in Lakeshore SD, Ph 1 as presented and three (3) year SD Street Maintenance Bond #3443243 in the amount of \$42,393.00 for Fairfield Contractors, Inc., seconded by Commissioner Shedd; motion carried.

GRANTS OF RIGHT OF WAY: By Parcelization

Key #124-05200-0050:	Pretty Prairie Rd.; A part of Sec. 2 in Burnett's Reserve, Twp. 24 N, R 3 W, Tipp. Twp. from R. Gregg Sutter & Patrick N. Cunningham.
Key #132-01500-0250:	CR 250 N; A part of the SE ¼ of the NW ¼ of Sec. 10, Twp 23 N, R 5 W, Wabash Twp. from Stephen Allen Anderson.
Key #124-03200-0081:	CR 650 N; A part of the SE ¼ of Sec. 19, Twp 24 N, R 4 W, Tipp. Twp. from Norsho, LLC – Steven W. Norfleet & James C. Shook Jr.

- Commissioner Benson moved to approve the Grants of Right-of-Way by Parcelization, seconded by Commissioner Shedd; motion carried.

UTILITY MAINTENANCE BOND: Tri-County Telephone Company d/b/a TDS Telecom

- Commissioner Benson moved to accept 3 year Utility Maintenance Bond #8S103766642 BCM for Tri County Telephone Company d/b/a TDS Telecom in the amount of \$5,000, seconded by Commissioner Shedd; motion carried.

CERTIFICATES OF INSURANCE

- Selective Insurance Group, Selective Ins of S Caroli for M B Investments
- Zurich Small Business for Burkhalter & Brown Builders
- Hastings Mutual Insurance Co for All-Sets
- General Casualty Insurance Co for Citation Homes, Inc.
- St Paul Fire and Marine Ins Co, Fireman's Fund for Gradex, Inc., Gradex Transportation, Inc.

- ♦ Monroe Guaranty Insurance, Great American Insurance Co, National Casualty Company for Indiana Mobile Home Transport, Inc

JAIL EXPANSION UPDATE: Kettelhut Representative Steve Habben

Cell pod area:

The structural steel has been set.
Approximately half of the slabs are poured and underground work is ongoing.
The prefabricated steel cells (52) will be delivered next Monday, March 11th.

Holding area:

The cells have been set.
The prefabricated concrete roof structure will be set next Monday.
Electrical and mechanical work continues for tie-ins of the new additions.

ORDINANCE 2002-14-CM: UZO Amendment 28: Area Plan Assistant Director Sallie Fahey

- Commissioner Benson moved to hear and approve Ordinance 2002-14-CM, seconded by Commissioner Shedd.

(quote)

February 21, 2002
Ref. No. 02-090

Tippecanoe County Commissioners
Attn: Tippecanoe County Auditor
20 North 3rd Street
Lafayette, IN 47901

CERTIFICATION

RE: UZO AMENDMENT 28: An ordinance amending the definitions of "integrated center" and "office building" found in Chapter 1-10-2, of the Unified Zoning Ordinance of Tippecanoe County.

Dear Tippecanoe County Commissioners:

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on February 20, 2002, the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to approve the enclosed UZO amendment. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed zoning ordinance amendment be APPROVED.

Sincerely,
/s/James D. Hawley
Executive Director

**ORDINANCE NO. 2002-14-CM
AN ORDINANCE AMENDING CHAPTER 1
OF ORDINANCE NO. 97-51-CM
BEING THE UNIFIED ZONING ORDINANCE
OF TIPPECANOE COUNTY.**

Be it ordained by the County Commissioners of Tippecanoe County, Indiana, that Ordinance No. **97-51-CM**, being the Unified Zoning Ordinance of Tippecanoe County is hereby amended as follows:

Section 1: Change 1-10-2, WORDS AND TERMS DEFINED, of 1-10, DEFINITIONS, of CHAPTER 1, GENERAL PROVISIONS, more specifically, the definition of integrated center to read as follows:

INTEGRATED CENTER. One or more *buildings* occupying a site under one ownership or management, containing a number of individual, unrelated and separately operated *uses* each with their own outside entrance (commonly known as a strip center) or completely enclosed (such as a retail mall). The *building* or *buildings* of an integrated center share common site facilities and services such as driveway entrances and exits, *parking areas*, truck loading, maintenance, sewer and water utilities, and similar common facilities and services. A *building* on an outlet which is physically separated from the other *uses* in an **INTEGRATED CENTER** by curbs and/or landscaping, and which contains its full requirement of parking, but which shares driveway entrances and exits with other *uses*, is not part of that **INTEGRATED CENTER**. An *office building* is not an **INTEGRATED CENTER**.

Section 2: Change 1-10-2, WORDS AND TERMS DEFINED, of 1-10, DEFINITIONS, of CHAPTER 1, GENERAL PROVISIONS, more specifically, the definition of office building to read as follows:

OFFICE BUILDING. A *building* in which the majority of *gross leasable area* is devoted to conducting the affairs of *primary uses* other than retailing, such as the offices of a *business*, a profession, a service, an industry, a finance, insurance or real estate establishment, or government and in which all such businesses have public entrances in the interior of the building.

This ordinance shall be in full force and effect from and after the date of passage.

**ADOPTED AND PASSED (DENIED) BY THE BOARD OF COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA THIS
4th DAY OF March, 2002.**

THE BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE

John L. Knochel, President

KD Benson, Vice President

Ruth E. Shedd, Member

ATTEST:

Robert A. Plantenga, Auditor

(unquote)

Mrs. Fahey explained that this Ordinance will make signage for an integrated center more clear by defining it by the style of construction (i.e. strip mall) rather than the type of tenant. An office building has internal entrances and therefore has different signage needs.

Auditor Plantenga recorded the vote:

John Knochel	Yes
KD Benson	Yes
Ruth Shedd	Yes

- The motion to approve Ordinance 2002-14-CM passed 3 - 0.

ORDINANCE 2002-15-CM: Z-02058, Patrick N. Cunningham NB to R3

ORDINANCE 2002-16-CM: Z-02059, Patrick N. Cunningham R3 to GB

- Commissioner Benson moved to hear and approve Ordinance 2002-15-CM and Ordinance 2002-16-CM, seconded by Commissioner Shedd.

(quote)

February 21, 2002
Ref. No.: 02-098

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: Z-2058-PATRICK N. CUNNINGHAM (NB TO R3):
Petitioner is requesting the rezoning of a 0.0482 acre tract located north of US 52 W roughly 1/2 mile east of CR 250 W, Wabash 2 (NW) 23-5.

Dear Tippecanoe County Commissioners:

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on February 20, 2002, the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to rezone the subject real estate from NB to R3. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their March 4, 2002 regular meeting.

Sincerely,
/s/James D. Hawley
Executive Director

ORDINANCE NO. 2002-15-CM

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA,
TO REZONE CERTAIN REAL ESTATE FROM NB TO R3.**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF TIPPECANOE, INDIANA:

SECTION I:

The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not part of a unified county code, is hereby amended to rezone the following described real estate situated in Wabash Township, Tippecanoe County, Indiana, to wit:

A part of the east half of the northeast quarter of Section Two (2), Township Twenty-three (23) North, Range Five (5) West, Wabash Township, Tippecanoe County, Indiana, more completely described as follows, to wit:
Commencing at the southwest corner of the northeast quarter of Section 2-23-5, said point being marked by an RT-1 aluminum monument; thence along the south line of said quarter section, North 88°38'29" East, 1961.58 feet; thence North 00°03'12" East,

692.96 feet to the point of beginning of the herein described tract; thence North 42°56'48" West, 38.13 feet; thence along a tangent curve to the right (said curve having a radius of 30.00 feet and a chord bearing North 00°53'54" West, 40.19 feet) an arc distance of 44.03 feet; thence along a tangent curve to the left (said curve having a radius of 230.00 feet and a chord bearing North 35°23'52" East, 46.11 feet) an arc distance of 46.18 feet; thence South 00°03'12" West, 105.67 feet to the point of beginning, containing 0.0482 acres.

SECTION II:

The real estate described above should be and the same is hereby rezoned from NB to R3

SECTION III:

This ordinance shall be in full force and effect from and after its passage.

(Adopted and passed) (Denied) by the Board of Commissioners of Tippecanoe County, Indiana, this 4th day of March, 2002.

VOTE:

John L. Knochel, President

KD Benson, Vice President

Ruth E. Shedd, Member

Attest: _____

Robert A. Plantenga - Auditor

February 21, 2002

Ref. No.: 02-099

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: Z-2059-PATRICK N. CUNNINGHAM (R3 TO GB):
Petitioner is requesting the rezoning of a 0.19 acre tract located north of US 52 W roughly 1/2mile east of CR 250 W, Wabash 2 (NW) 23-5.

Dear Tippecanoe County Commissioners:

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on February 20, 2002, the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to rezone the subject real estate from R3 to GB. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their March 4, 2002 regular meeting.

Sincerely,
/s/James D. Hawley
Executive Director

ORDINANCE NO. 2002-16-CM

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA,
TO REZONE CERTAIN REAL ESTATE FROM R3 TO GB**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF TIPPECANOE, INDIANA:

SECTION I:

The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not part of a unified county code, is hereby amended to rezone the following described real estate situated in Wabash Township, Tippecanoe County, Indiana, to wit:

A part of the east half of the northeast quarter of Section Two (2), Township Twenty-three (23) North, Range Five (5) West, Wabash Township, Tippecanoe County, Indiana, more completely described as follows, to wit: Commencing at the southwest corner of the northeast quarter of Section 2-23-5, said point being marked by an RT-1 aluminum monument; thence along the south line of said quarter section, North 88°38'29" East, 1961.58 feet; thence North 00°03'12" East, 500.00 feet to the point of beginning of the herein described tract; thence continuing North 00°03'12" East, 104.98 feet; thence South 42°56'48" East, 68.87 feet; thence along a tangent curve to the left (said curve having a radius of 230.00 feet and a chord bearing South 66°26'46" East, 183.42 feet) an arc distance of 188.67 feet; thence North 89°56'48" West, 200.06 feet; thence North 39°09'20" West, 23.91 feet to the point of beginning, containing 0.1900 acres.

SECTION II:

The real estate described above should be and the same is hereby rezoned from R3 to GB

SECTION III:

This ordinance shall be in full force and effect from and after its passage.

(Adopted and passed) (Denied) by the Board of Commissioners of Tippecanoe County, Indiana, this 4th day of March, 2002.

VOTE:

John L. Knochel, President

KD Benson, Vice President

Ruth E. Shedd, Member

Attest: _____

Robert A. Plantenga - Auditor

(unquote)

Representing the petitioner, Attorney Joe Bumbleburg explained that these zoning requests are technical corrections to a previous zoning where .04 acres and .19 acres were made zoning orphans by the road placement in the Paramount Lakeshore Subdivision. If approved, the existing zoning districts will be aligned with the street right-of-way to make sense.

Auditor Plantenga recorded the following votes:

Ordinance 2002-15-CM

KD Benson	Yes
Ruth Shedd	Yes
John Knochel	Yes

- The motion to approve Ordinance 2002-15-CM passed 3 – 0.

Ordinance 2002-16-CM

Ruth Shedd	Yes
John Knochel	Yes
KD Benson	Yes

- The motion to approve Ordinance 2002-16-CM passed 3 – 0.

LAURAMIE TOWNSHIP COMMUNITY DEVELOPMENT BLOCK GRANT: Grant Coordinator Jessica Stein

Ms Stein explained that one of the final details of the Lauramie Township Sewer Feasibility Study being conducted by the Schneider Corporation relates to historic properties affected. She recommended the Commissioners concur with the Indiana State Historic Preservation Officers that the proposed project will have no affect upon historical properties or significant cultural resources based upon the findings of the Feasibility Study.

- Commissioner Benson moved to authorize President Knochel to sign the letter to the Department of Natural Resources for Lauramie Township concurring with the determination that no historic properties are affected, seconded by Commissioner Shedd; motion carried.

ORDINANCE 2002-13-CM: Amends MITS Board Membership

Attorney Luhman read the Ordinance amending the Board's membership:

(quote)

ORDINANCE NO. 2002-13-CM

ORDINANCE AMENDING ORDINANCES 96-18-CM AND 99-73-CM TO AMEND THE MEMBERSHIP OF THE TIPPECANOE COUNTY MANAGEMENT INFORMATION TECHNOLOGY SERVICES ADVISORY BOARD

WHEREAS, Indiana Code 36-1-3.5-9 authorizes the legislative body of governments to establish a County Data Processing Agency; and

WHEREAS, the Board of Commissioners of the County of Tippecanoe, State of Indiana, the legislative body of said County has previously established a Tippecanoe County Management Information Technology Services Department, pursuant to Ordinance No. 83-4-CM, as amended by Ordinances No. 96-18-CM and 99-73-CM; and

WHEREAS, the Board of Commissioners of Tippecanoe County desires to amend the membership of the Tippecanoe County Management Information Technology Services Advisory Board to provide broader representation of county departments using information technologies.

NOW, THEREFORE, BE IT ORDERED, ESTABLISHED AND ORDAINED, by the Board of Commissioners of the County of Tippecanoe that Ordinances No. 96-18-CM and 99-73-CM, are hereby amended as follows:

The membership of the Board shall consist of:

1. Permanent voting members.
 - a. All of the County Commissioners
 - b. The County Auditor
 - c. Two members of the County Council to be determined by vote of the County Council.
 - d. The County Treasurer.
 - e. The County Clerk
 - f. One representative from a Tippecanoe County Court or other off-site County department to be recommended by the MITS director and determined by vote of the remaining membership.

2. Non-voting ex-officio member.
 - a. The director of the County Management Information Technology Services Department.

Effective date. This Ordinance shall be effective upon passage.

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved this 4th day of March, 2002, by the following vote:

VOTE	BOARD OF COMMISSIONERS OF TIPPECANOE COUNTY
	_____ John Knochel, President
	_____ KD Benson, Vice President
	_____ Ruth Shedd, Member

ATTEST:

Robert Plantenga, Auditor of
Tippecanoe County

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and read in full for the second time, and adopted this 4th day of March, 2002, by the following vote:

VOTE	BOARD OF COMMISSIONERS OF TIPPECANOE COUNTY
	_____ John Knochel, President
	_____ KD Benson, Vice President
	_____ Ruth Shedd, Member

ATTEST:

Robert Plantenga, Auditor of
Tippecanoe County

(unquote)

- Commissioner Benson moved to approve Ordinance 2002-13-CM on first reading, seconded by Commissioner Shedd.

Auditor Plantenga recorded the vote:

John Knochel	Yes
KD Benson	Yes
Ruth Shedd	Yes

- The motion to approve Ordinance 2002-13-CM passed 3 – 0 on first reading.
- Commissioner Benson moved to suspend the rules and allow a vote on second reading the same day as presented, seconded by Commissioner Shedd; motion carried.
- Commissioner Benson moved to approve Ordinance 2002-13-CM on second reading, seconded by Commissioner Shedd.

Auditor Plantenga recorded the vote:

KD Benson	Yes
Ruth Shedd	Yes
John Knochel	Yes

- The motion to approve Ordinance 2002-13-CM passed 3 – 0 on second reading.

JOINT RESOLUTION: March 11, 2002, Day of Remembrance

Lafayette Mayor Dave Heath, West Lafayette Mayor Sonya Margerum, and the Commissioners read a joint Resolution declaring March 11, 2002 as a Day of Remembrance for the September 11, 2001 national tragedy.

(quote)

**Joint Resolution Declaring March 11, 2002 as a
Day of Remembrance and Patriotic Display for the
September 11, 2001 National Tragedy**

- WHEREAS,** our Nation suffered^a a terrible tragedy on September 11, 2001 and it must never be forgotten and
- WHEREAS,** the victims of the tragedy and their families must never be forgotten, and
- WHEREAS,** an appropriate way to commemorate the victims and heroes of September 11th is to encourage all member of our community to undertake acts of public service to their neighbors and community and to display their patriotic pride in our community and our Nation, and
- WHEREAS,** a fitting date to remember the victims and gratefully celebrate the heroes of September 11th is six months from the occurrence on March 11, 2002.

NOW THEREFORE be it resolved that March 11, 2002 is hereby declared a day of remembrance, patriotic display and public service to remember and honor those who sacrificed so much on September 11, 2001.

Dated this 11th day of March 2002.

Dave Heath, Mayor
City of Lafayette

John Knochel, President
Tippecanoe County Commissioner

Ruth Shedd
Tippecanoe County Commissioner

Sonya Margerum, Mayor
City of West Lafayette

KD Benson
Tippecanoe County Commissioner

(unquote)

Mayor Heath announced that a ceremony will be held at 12:15 P.M., Monday, March 11, 2002 on the John T. Meyers Bridge.

SEVERE WEATHER AWARENESS PROCLAMATION

Lafayette Mayor Dave Heath, West Lafayette Mayor Sonya Margerum, Purdue University representative Carol Shelby, and the Commissioners read the Proclamation:

(quote)

**TIPPECANOE COUNTY
LAFAYETTE, WEST LAFAYETTE AND PURDUE UNIVERSITY
EXECUTIVE DEPARTMENT
PROCLAMATION**

**"SEVERE WEATHER AWARENESS WEEK"
MARCH 3 - 9, 2002**

WHEREAS: The months of March through June present the highest risk for severe thunderstorms and tornadoes to strike Tippecanoe County, and

WHEREAS: Tippecanoe County is located within the nation's "Tornado Belt", becoming a prime target of devastating tornado outbreaks and other types of severe weather and;

WHEREAS: A statewide tornado warning exercise will be held on March 6, 2002 for the purpose of testing communications systems, equipment and procedures; and

WHEREAS: During this week, the Tippecanoe County Emergency Management is emphasizing its safety procedures involving tornado activity:

NOW THEREFORE, We, the undersigned, do hereby proclaim the week of March 3 - 9, 2002 as

"SEVERE WEATHER AWARENESS WEEK"

in Tippecanoe County and encourage all citizens to become aware of tornado danger signs, and to learn how to safeguard the lives of their families, friends, and citizenry in the event of severe weather activity in our area.

BY COMMISSIONER:

John Knochel, President

BY COMMISSIONER:

KD Benson, Vice President

BY COMMISSIONER:

Ruth Shedd, Member

BY LAFAYETTE MAYOR:

Dave Heath

BY WEST LAFAYETTE MAYOR:

Sonya Margerum

**BY PURDUE UNIVERSITY
REPRESENTATIVE:**

Carol Shelby

(unquote)

Emergency Management Director Steve Wettschurack announced that every school in Tippecanoe County has an outdoor warning siren in close proximity and all have severe weather alert radios.

REPORTS

Reports from Veterans Affairs, Tippecanoe Villa, Weights & Measures, Treasurer (2), and Clerk of the Circuit Court are on file in the Commissioners' Office for review.

RECESSED/RECONVENED

Upon Commissioner Benson's motion and Commissioner Shedd's second, the meeting recessed at 10:45 A.M. and reconvened at 11:00 A.M.

BIDS OPENED: Ambulance

Attorney Luhman opened and read the Ambulance Bids:

Life Star Rescue, Inc.	Surety Bond	\$210,790.00 (if 2 purchased together)
Roland Specialty Vehicles Products (RSVP)	Bid Bond	191,780.00 (164")
		186,538.00 (154")
Wheeled Coach	Bid Bond	186,796.00 (2)

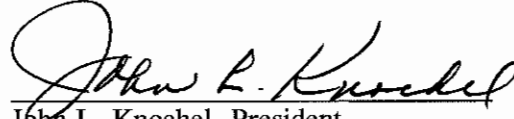
- Upon Attorney Luhman's recommendation, Commissioner Benson moved to take the bids under advisement, seconded by Commission Shedd; motion carried.

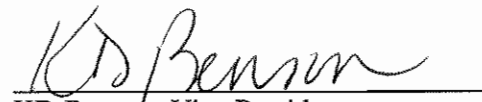
ADJOURNMENT

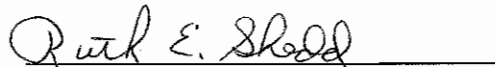
- Commissioner Benson moved to adjourn, seconded by Commissioner Shedd; motion carried.

Robert A. Plantenga, Auditor

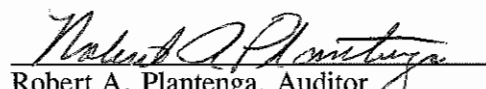
**BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE**


John L. Knochel, President


KD Benson, Vice President


Ruth E. Shedd, Member

ATTEST:


Robert A. Plantenga, Auditor