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of the Nebraska Grocery Industry
July/August 2010

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Nebraska Food News...

People... Places... Things...

This section of the magazine is dedicated to announcing the changes, additions, promotions, etc., regarding members of the grocery industry in Nebraska. We invite members to submit information that can be included in this section.

The Independent Grocer's Association recently announced that the Central City Mall owned by Joe and Cindy Clarke has recently achieved its highest level of recognition by being awarded the Five Star honor for achievement in the IGA's Assessment Program. The Five Star honor, says Joe Clarke, is the result of scoring at the highest level on a rigorous assessment of a variety of goods and services offered by the store.

Dusty Clouse is the new owner of Elwood Market. Merna Modgin and Janet Refior, former owners, retired. The sale took place March 15.

Hy-Vee replaced its store south of Oak View Mall with a new store at 144th Street and Stony Brook Boulevard. The new store is 20,000 sq feet larger than the old store and will employ approximately 200 additional workers. The store features an on-staff dietitian, two chefs, a medical clinic and new departments, including one for sushi.

Nelson's Food Pride of Oakland recently celebrated its 100 year anniversary. Gust W. Nelson started the business as Star Mercantile in 1910. In 1926, the business became Nelson's Groceteria. Gust's son, Curly, built the store at its existing location in 1961 and called it Nelson's Jack & Jill. Curly's daughter, Julie Johnson, purchased the store in 1989. In 1998, she added on to the existing store, which became known as Nelson's Food Pride.

Hilty's of Geneva celebrates 35 years. Hilty's began in Fairmont, on March 1, 1975 and added the Geneva store April 1, 1982. Many changes have taken place over the last 35 years in the grocery business according to Pat Hilty... One of the major changes was the addition of scanning.

No Frills Supermarkets has appointed Rob Connor as store director at the newest No Frills Fresh location which opened in June. It is located on 204th & Pacific Streets in Elkhorn. The store is designed to serve the needs of an active community with lots of young families.

Family Thrift Center in Scottsbluff closed the end of July. The store opened under the Family Thrift name in early 2008 after it was purchased from Albertson's.

The Panhandle Co-op is steadily adding features to its flagship grocery store, the Plaza. The Butcher Block, a fish and fresh meat cold case, was added about four months ago. The deli/bakery/salad bar was added last year. More changes are on the way. The Co-op will have an entire aisle of hard-to-find items that normally people travel to Denver to get, especially ethnic foods not commonly available in Scottsbluff. Another change will focus on customer convenience by creating a drive through pharmacy.

Cindy Fitzgerald, an Omaha Hy-Vee florist, recently won the Borgen Cup award for her fall store display. The floral manager at the 108th and Fort Streets Hy-Vee was honored for best color harmony for using candy corn in her display. The completion is exclusively for supermarket and high-volume florists.

B&R Stores hired Michael Yakovsky to the role of meat director. In his position, Yakovsky will oversee the meat and seafood programs for the company's Russ' market and Super Saver stores located in seven cities across Nebraska and western Iowa. According to B&R Stores, Inc. President Pat Raybould, it was a combination of Yakovsky's experience in store management and supervisory roles along with his extensive knowledge of the meat business that made him the ideal candidate for the meat director position.

Recently Open Harvest in Lincoln celebrated 35 years of business. A veteran of the co-op movement that sprouted in the 1960s and '70s, it is one of the oldest natural foods co-ops in the country. Everyone is welcome to shop at Open Harvest, which is a member-owned cooperative governed by a board of directors. Today Open Harvest boasts over 3,300 members, employs 70 people, and carries the products of over 75 local farmers and suppliers. The store carries one of the largest selections of natural and organic food, produce, meats and supplement in Lincoln.

Jane Raybould, vice president of B&R Stores was recognized in the Progressive Grocer as one of the industry's top female executives. From many nominations, 114 women were selected as outstanding executives across the country. The women were chosen not only for their exceptional leadership but also for their professional accomplishments as individuals and throughout their community.

Guidelines for Taxable Food in Nebraska: Food For Human Consumption is Tax Exempt

Items that are food or food ingredients are exempt from sales and use tax in Nebraska. According to State Statute, Food or food ingredients means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value.

Food or food ingredients includes, but is not limited to: cereals, eggs, fruits, meats, vegetables, milk, health foods consumed in place of other foods and not as a vitamin or mineral supplement, flour, cooking oils, sugar, soft drinks, bottled water, ice, candy, and chewing gum.

Food or food ingredients does not include alcoholic beverages, dietary supplements, or tobacco. Dietary supplement means any product, other than tobacco, intended to supplement the diet that is not presented as conventional food and that is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label.

Prepared foods, vending machine sales, concessionaire sales, and sales by caterers are subject to tax. Prepared foods are foods generally intended for, and which are ready for, immediate consumption.

Prepared foods means:

Food sold with eating utensils provided by the seller; Food sold in a heated state or heated by the seller; or two or more food ingredients mixed or combined by the seller for sale as a single item, but not including;

- (1) Food that is only cut, repackaged, or pasteurized by the seller;
- (2) Food sold in an unheated state by weight or volume as a single item; and
- (3) Eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer to prevent food borne illnesses.

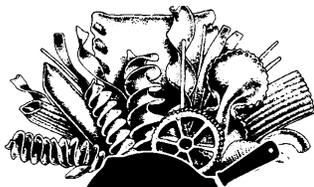
Prepared foods does not include:

Food sold by a manufacturer whose primary NAICS classification is a food manufacturer; or bakery items such as bagels, bread, donuts, cakes, pies, cookies and tortillas. The following sales of prepared foods are not taxable:

- Certain meals and food served or sold by schools, school groups, and churches, or served to patients by organizations licensed by the state for the care of human beings;
- Meals and food sold at political fund-raising events by ballot question committees, candidate committees, independent committees, and political party committees;
- Meals and food sold by organizations for the elderly, handicapped, or recipients of Supplemental Security Income authorized to accept electronic benefits transfer or food coupons; and
- Concession sales of food by certain schools or school groups as set forth in Reg-1-092, Educational Institutions;
- Sales of food by a retailer of prepared foods when the retailer maintains adequate records on each sale of food are not taxable. If adequate records of food sales are not maintained, sales tax must be collected on such sales of food.
- Any purchases actually made with food coupons, or the electronic equivalent, are not taxable.
- Garden seeds, bulbs, and plants that produce food for human consumption are taxable, unless actually purchased with food coupons, or the electronic equivalent, or when purchased by commercial producers for use in commercial agriculture.

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To learn more about how to drive growth in your store, contact your ConAgra Foods representative.



NGIA Annual Conference Held at Strategic Air & Space Museum



Bob DeStefano, Steve Dolezal and Steve Pirtle



Members have a guided tour of the Museum



Members as they view the Blackbird



Harry A Koch Company reps talk to Pat Raybould



Members enjoy time to visit during the Reception



Food Industry members take a break from workshops



A time to network



Members wait for the guided tour to begin



Steve Gilliland presents "Enjoy the Ride" to the membership

Golf at Iron Horse Golf Club was on the agenda for Wednesday



NGIA staff Melanie Kuca and Kim Johnson visit With Steve Dillard just before his presentation



Terry Rehmeier, Russ Stevens, Kim Johnson and Melanie Kuca check in golfers



Golfers are ready to take off at 8:00 a.m. for a great round of golf



Golfers enjoy a great course!



Top 10 Texas Hold'Em winners are in a play-off



First flight winners Pay Raybould, Marty Jarvis, Kipp Utemark, and Tom Schulte



Second Flight winners Peter Clarke, Tom Beerenstrauch, John Leffler, and Mike Barry



Chadd Young, Todd Schumacher, Ken Hraben, and Steve Pirtle

Dave McCleery Recognized as Winner of Store Manager Award by Food Marketing Institute



l-r: Ric Jurgens, President of FMI, Dave McCleery of Russ's Market, and Leslie Sarasan, CEO of FMI

Dave McCleery, store director at Russ's Market in Lincoln, NE was announced as the winner in Category A, companies with 1-49 stores. Dave's can-do attitude and his passion for the grocery business have earned him the respect and trust of his associates and customers. McCleery is a relationship builder who takes an interest in his team and his community. His store supports the Food Bank BackPack Program. They help fill more than 2,000 backpacks each week with nutritious foods for children who rely on the school breakfast and lunch program for their most nutritious meals of the day. Russ's Market also supports Heartland Big Brothers Big Sisters and other community organizations through in-store activities and fundraisers. His team conducts many special events throughout the year to promote sales including a Julia Child look-a-like contest and cooking demonstration and a petting zoo and

Sidewalk Chalk Art Contest in the parking lot as part of a kid's neighborhood festival. McCleery increased sales at his location 11.6 percent during the past two years. One of his greatest achievements came during Super Bowl Week 2010 when his team set an all-time weekly sales record through effective in-store promotions in every department. They broke the previous record by \$40,000 — which had been in place for the past 48 years.

Pat Hensley Honored with Distinguished Service Award



Pat Hensley was the recipient of the 2010 Distinguished Service Award that was presented during the 2010 NGIA Annual Conference. Pat is the Assistant Vice President of Operations for Hy-Vee and oversees 26 stores in Hy-Vee's Western Region, which includes Omaha and Lincoln, Nebraska. He has spent his entire professional career in grocery retail. Pat has remained a steady and strong supporter of NGIA through the years. Pat has served on the Board of

Directors since 2000 and now serves as the Immediate Past Chairman of the Board. He is also serving as the Chairman of the Legislative Committee, a time consuming position that requires his immediate attention to details when the Nebraska Legislature is in Session. As issues arise he is called on to provide insight and direction regarding the position taken by the Association. NGIA continues to have a very strong grassroots lobbying program, due to the strength of the leadership qualities Pat exhibits. Year after year, Pat has continued to support NGIA and the programs it offers. He has remained a steady force in the food industry in Nebraska and NGIA recognized his efforts by presenting the Distinguished Service Award to him in appreciation of his dedication, service and assistance to members of the food industry in the State of Nebraska.

Jeff Holling Receives Vendor of the Year Award



The winner of the 2010 NGIA Vendor of the Year award is Jeff Holling of Crystal Farms. Jeff served 2 terms on the Nebraska Lutheran Outdoor Ministries Board of Directors, currently serves on Douglas County SID Board 177, and is a member of Bethany Lutheran Church in Elkhorn. Jeff has been actively involved with the Grocer's Association for many years. He has

served as a member of the Golf Committee and assisted with the Best Bagger Contest. In addition, he continues to maintain sponsorship of the Tailgate Parties at the Governor's Mansion and represents the food industry well. We have come to depend on Jeff to offer his expertise to help find a solutions as issues arise. We thank him for his willingness to serve wherever help is needed. Jeff is an upstanding citizen and serves as a role model for others in the industry. NGIA proudly presented the 2010 Vendor of the Year Award to Jeff to show our appreciation for all he has done to promote the food industry in the State of Nebraska.

Senator Pete Pirsch is Presented the 2010 Spirit of America Award



The Spirit of America Award is the most prestigious award NGIA presents. The recipient of the 2010 Spirit of America Award is Senator Pete Pirsch. Senator Pirsch has continually introduced legislation on behalf of the Nebraska Grocery Industry and spearheaded efforts to assist in reducing theft in retail stores. He introduced and passed legislation that allows grocers to aggregate forged checks to allow for felony prosecution.

Last year he introduced legislation that tightened up shoplifting statutes in Nebraska. We have all benefited from his understanding of the difficulties faced by small business. We thank Senator Pirsch for all that he has accomplished on behalf of the food industry in Nebraska, for the assistance he has provided and the spirit of teamwork for which he is known.



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Supermarket Industry Guidance: How to Implement Reforms on Restrictive Card Network Practices

By Food Marketing Institute

There are two retail electronic payment acceptance reforms that take place immediately with the signing of the Dodd-Frank Wall Street Reform and Consumer Protection Act. One would provide retailers greater protections from card network fines in offering discounts or incentives for using cheaper forms of payments. The second would allow retailers to set minimums, not to exceed \$10, for the use of a credit card. Swipe fee reforms in the Dodd-Frank Wall Street Reform and Consumer Protection Act limit the ability of the card networks (Visa/MasterCard/Discover/American Express, etc.) to impose fines on retailers who choose to implement either of these practices. The effective date of these reforms was July 22, 2010. We would encourage companies to take into account the guidance provided in this document in implementing these changes, but stress that implementation of these new reforms is up to each individual company to pursue on its own.

First, we would encourage you to contact your merchant acquirer to discuss potential programming changes that may need to be made in order to effectively carry out these reforms and determine if it makes financial sense for your company to implement these reforms. Your acquirer will likely play a large role in the programming necessary to offer discounts or in-kind incentives.

1. Discounting/in-kind incentives - The first reform is that a card network shall not inhibit the ability of any person to provide a discount or in-kind incentive for payment by the use of cash, checks, debit cards or credit cards, provided that discounts for debit cards and credit cards do not differentiate on the basis of the issuer or the card network, and provided that the discount is offered to all buyers and disclosed clearly to the extent required by federal and applicable state law.

- Discounts or in-kind incentives can be offered for cash, checks, debit cards or credit cards. While

networks created extreme barriers to doing so, the ability to offer cash and check discounts was previously protected by the Cash Discount Law,¹ but the ability to discount on debit and credit cards is new

- Discounts or in-kind incentives on credit and debit cards cannot vary based on the card network (i.e. Visa or MasterCard) or by the card issuer (i.e. Citibank or Bank of America). For example, you may offer a 1% discount for all debit purchases, but you may not offer a 1% discount for a Citibank debit purchase and then a 2% discount for a Bank of America debit purchase.
- Discounts may be applied to the full shopping basket. Discounts do not need to be labeled on each individual item.
- We recommend that any discount or in-kind incentive should be clearly and conspicuously posted at the register.
- Discount signage may be placed at other locations throughout the store (such as the entryway or the aisle where an in-kind incentive may be offered) to help make shoppers aware of the discount before they are in the checkout line.
- In-kind incentives may include [pursuant to state laws] offering any product or service to incentivize a customer to use a less expensive form of payment. For example, you may wish to offer a customer a free loaf of bread to use cash or if it is less expensive for you to accept debit cards you may want to offer the same or a different incentive to any shopper who uses a debit card.

We highly recommend talking to your processor for more information about programming your point-of-sale system to provide discounts or incentives. In order to document the benefit of the Durbin amendment on consumers, we would appreciate knowing about any discounts or incentives you intend to offer customers.

2. Minimums on credit cards – The second reform is that a card network shall not inhibit the ability of any person to set a minimum dollar value for acceptance of credit cards, provided that the minimum does not differentiate between issuers or card networks, and provided that the minimum does not exceed \$10.

- We recommend the minimum purchase dollar amount should be clearly and conspicuously posted at the register.
- The minimum purchase amount may not exceed \$10.
- Signage should indicate that the minimum purchase amount is only on credit cards and does not include debit card purchases.
- Signage may be placed at other locations

throughout the store (such as the entryway) to help make shoppers aware of the credit card minimum purchase amount before they are in the checkout line.

- The minimum purchase amount must be the same for all credit cards. You may not set a minimum purchase amount of \$5 for a Citibank Visa credit card and then set a minimum purchase amount of \$10 for a Bank of America Visa credit card.

Once you have determined if your company plans to make any changes to your card acceptance procedures, we encourage you to begin educating your employees about these new reforms and how they are being implemented at the point-of-sale. When instituting any of these reforms in your stores, we also strongly encourage you to review any relevant state laws, such as state consumer protection laws, surrounding consumer disclosures.



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Things You Need to Know

Members contact our office with questions regarding a variety of issues. The following are some of the questions grocers have asked recently.

Q: I had a lady come into the store tonight with a ‘service dog’. I asked her what the dog was for and she responded that I was not legally allowed to ask the question based on Federal law. Do you know what our options are?

A: the Americans with Disabilities Act (ADA), businesses and organizations that serve the public must allow people with disabilities to bring their service animals into all areas of the facility where customers are normally allowed to go. This federal law applies to all businesses open to the public, including restaurants, hotels, taxis and shuttles, grocery and department stores, hospitals and medical offices, theaters, health clubs, parks, and zoos. Businesses may ask if an animal is a service animal or ask what tasks the animal has been trained to perform, but cannot require special ID cards for the animal or ask about the person’s disability.

New rules can be found on the FDA website at http://www.ada.gov/regs2010/titleIII_2010/titleIII_combined.html. New rules become effective in 2011 and specifically state that a service animal is a DOG. Not a monkey, snake, bird or other animal. Comfort animals are not included in access to food establishments but are mentioned in relation to housing. The one exemption is miniature horses. This will be rare and there are only about 6 facilities that train mini’s for this type of work. There is a requirement that the animal be house broken so the mini will need to be taken outside just like a dog would. The new rules are more specific regarding animals being under the control of the handler - so as before, an unruly or aggressive dog can be excluded. The only thing some of you have mentioned was a specific prohibition on multiple dogs. Issues with multiple dogs was not specifically mentioned or prohibited but the current rules are that if all the dogs are not “working animals” they can be excluded. So a dog walker can’t take a pack of dogs into store and claim they are all service animals.

Q: As a grocer who is licensed to sell alcohol, can I sell to a tax exempt entity, such as a church?

A: Yes, alcohol license holders can sell to tax exempt

entities such as a church. It is illegal for you to put alcohol on a charge account that the tax exempt entity may have set up where the bill is paid at the end of the month. Alcohol must always be paid for at the time of purchase. A credit card is considered the same type of transaction as cash. Licensed retailers cannot sell to other licensed retailers, those purchases must come through the distributor.

Q: I have alcohol in one location that is not selling very quickly. Can I move it over to my other store?

A: Retailers are allowed to transfer alcohol from one store to another if they receive permission to do so through the Nebraska Liquor Control Commission. Forms for the transferring of product can be found on the Liquor Control Commission’s website.

Q: Can I sell energy drinks to customers who want to pay with food stamp (SNAP) benefits?

A: It depends on the label! If the product contains a nutritional label (not an ingredient label) then it is not eligible for purchase with SNAP benefits. Examples of non-eligible items would be dietary supplements, some energy bars, and some energy drinks.

Q: Are the Listerine breath strips taxable or exempt from tax in Nebraska? This is the packet of strips you can get at convenience stores (and grocery stores) to “freshen your breath”.

A: The Nebraska Dept. of Revenue ruled that breath strips are just like Listerine, toothpaste, throat lozenges and mouthwash and is therefore taxable. Breath mints in tablet form are more like candy and are not taxable.

Q: Regarding tax on Holiday meals, prepared by our store where the customer picks it up and takes it home. We have two versions of the holiday meal, one is a Family sized holiday meal with turkey, mashed potatoes and gravy, vegetable, dressing, the works). The meal is HOT when picked up by customer and ready to eat. The second version is identical but the meal is cold when picked up by the customer. The customer takes it home a reheats it before serving.

A: A heated meal is a taxable item. If the same meal is cold when the customer purchases it and there are no eating utensils (including napkins) supplied, and it is sold as one “Unit” or one item, it is tax exempt.

No Raises this Year?

Secrets to Employee Retention in Difficult Times

By Rhonda R. Savage, DDS

Across the U.S., employers and employees alike are struggling. Businesses are fortunate if they experienced growth in 2009. Many are flat in growth or have declined and employers are faced with these tough choices:

- Lay off employees or cut hours
- Decrease benefits
- Reduce pay
- Freeze salaries

By far, the most appealing of the four is freezing salaries. The problem is, no hard working employee wants to hear these words “times are tough...no raises this year.” The question is, how do you keep employees happy and productive during tough times? In addition, key employees may have the opportunity to move to another company. How do you retain, challenge and motivate these key people to stay with you during the hard times?

Pay and benefits are not the number one motivational factor for employees. While important, most rank the need for praise and appreciation the highest, closely followed by the need to belong to a close-knit team. Team members also need to have responsibility and feel like their voice matters in an organization.

Use the following tips to keep employees happy, employee turnover down and productivity up, despite “no raises this year”:

Look towards the future

Ask your employees what skills or training you can give them to better do their jobs and help them set short-term personal goals that are business-oriented. Work with your employees to outline the steps necessary to accomplish the goal and provide encouragement and guidance throughout the process. This gives employees a sense of pride and responsibility for the future success of the company and will motivate them to help the company get

through these tough economic times.

Have efficient systems in place for accomplishing tasks

If team members don't fully understand how to get things done, morale will go down. Work on systems like team training, follow-up calls with clients, collections, stocking and ordering, and letters to clients. Focus on improving communication and customer service. Train your employees on the behind the scenes duties that are critical to a well run business.

Hold regular staff meetings

Staff meetings improve communication, goal setting and accountability. Through team meetings, you can keep your staff informed, motivated and involved. This forum gives staff members the opportunity to discuss the problems they are having or any concerns they have about the company, allowing leadership to solve small issues before they turn into bigger ones. When employees feel their contributions are valued, they will have a higher tendency to stay with an organization, even if times are tough.

Be a good leader

What employees want from leadership is that you're fair, consistent and apply the same office policy to everyone. Make decisions and stick to them. Avoid wavering, but know that if you and your team try something and it doesn't work, it's okay to change it. When you make a decision and stick with it, not everyone will agree, but they'll respect you for making a decision and moving forward with it.

Promote a positive work environment

As a leader, if you consistently have a positive attitude in the office, employees will mirror that attitude. If you sense gossip or issues among team members, take steps to resolve these things before they become an issue. Acknowledging and rewarding team members for accomplishing goals can also contribute to a positive environment. When employees feel appreciated, they are happy and motivated to continue doing a great job.

Be sure each employee has a copy of the office policy manual

Be sure the handbook is current and that you stick to the guidelines. If team members learn and understand the office guidelines upfront, they are less likely to break the rules, resulting in less conflict between leadership and the team member.

Do things with your team outside office hours

Scheduling regular outings with team members outside of the office improves morale and encourages friendship between employees. In addition, respect increases between your team members. When team members get along, they work together better and are more productive.

Involve your team in the decision-making process

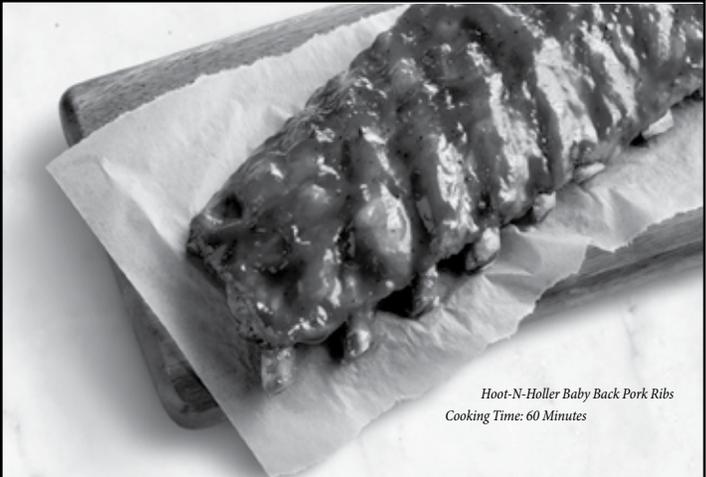
Gather input and ask questions, but as the leader, you should make the final decisions, even if you have an “office manager” or “practice administrator” on the team. Involving your team in this process helps show that you value their opinions, giving them a sense of pride.

Most importantly, as a leader, stay positive at all times. Affect the changes that are needed and be the leader that your staff needs. Speak in positive terms about the company, its leadership and the colleagues who are not in the room. Say thank you more often. When something does go wrong, work through the issue and encourage everyone to move on. Acknowledge people who are accomplishing their goals and encourage those who are not. Show interest and get excited about your employees, your business and the future.

In this economy, encouraging employees to work harder, quicker and more efficiently can be difficult without being able to offer raises. An overworked employee can easily become resentful, negative and walk away, which will affect the rest of your staff. Following these guidelines will help you keep your staff happy, motivated and productive, ultimately helping your business come out of the recession on top!

ABOUT THE AUTHOR

Dr. Rhonda Savage is an internationally acclaimed speaker and CEO for a well-known practice management and consulting business. Dr. Savage is a noted motivational speaker on leadership, women’s issues and communication. For more information on her speaking, visit www.DentalManagementU.com or e-mail Rhonda@MilesandAssociates.net.



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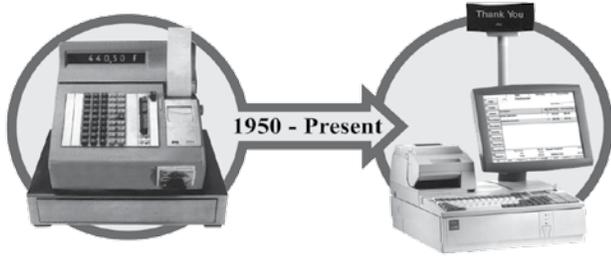
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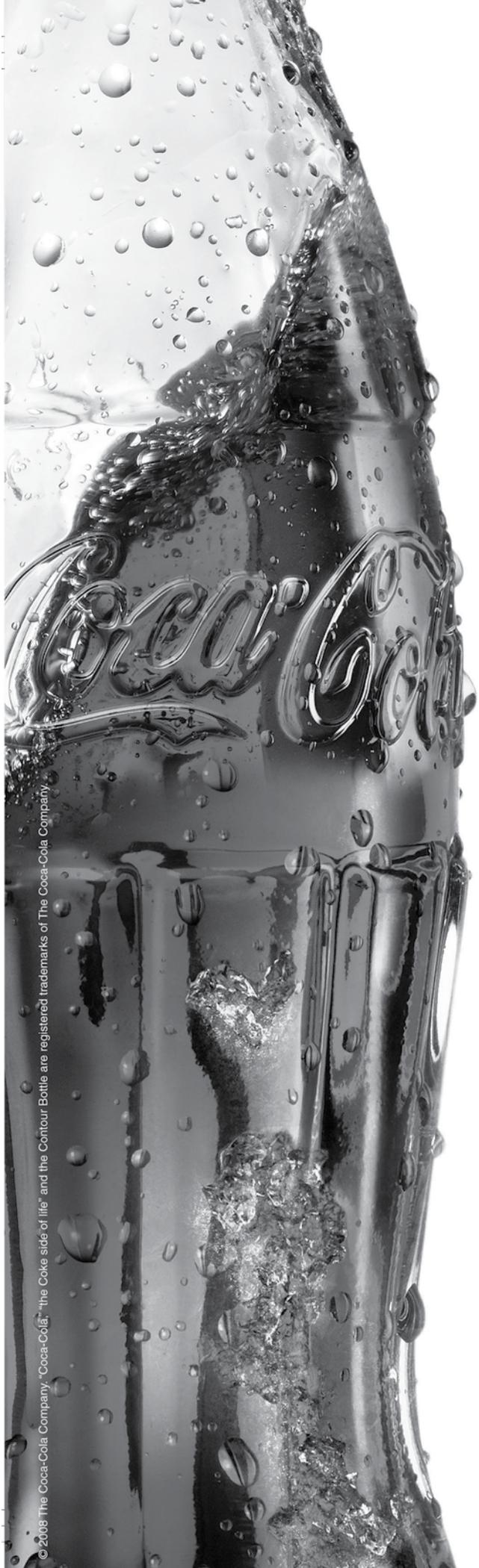
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