

POWER PLAY

PROFESSIONAL HOCKEY AND THE POLITICS OF URBAN DEVELOPMENT

JAY SCHERER, DAVID MILLS & LINDA SLOAN MCCULLOCH

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For citizens of Edmonton: Past, present, and future

Rogers Place was built on Treaty 6 territory, a traditional gathering place for diverse Indigenous peoples including the Cree, Blackfoot, Métis, Nakota Sioux, Iroquois, Dene, Ojibway/Saulteaux/Anishinaabe, Inuit and many others. Discussions of Rogers Place, therefore, necessitate an acknowledgement of the broader history of our presence on Indigenous lands.

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RICHARD GRUNEAU

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FOREWORD

NEARLY THIRTY YEARS AGO, the iconic Canadian literary critic Northrop Frye commented on Toronto's aspirations to be a "world-class" city. If Toronto is a world-class city, Frye suggested, "it is not because it bids for the Olympics or builds follies like the Skydome, but because of the tolerated variety of people in its streets."¹ For Frye, world-class cities are characterized by their diversity and cosmopolitanism and it is only here where Toronto might stake its claim to world-class status. In Frye's optimistic vision, truly world-class cities celebrate human variety rather than ignoring it, condemning it, or pushing it to the urban periphery.

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I think this argument is more compelling than ever when you consider how increasing gentrification has been pushing major Canadian downtowns toward greater socioeconomic uniformity. It is also an advance warning against the renewed visibility of reactionary populist racial and ethnic prejudice in recent years. Having said this, it is important to consider the subtext of Frye's remarks, that ambitions for major sporting events, spectacular new stadiums, or arenas should not be written off simply as economic follies or barriers to progressive models of urban development. The difficulty is that the issues in question here are extremely complex, vary over time, and differ from city to city. A blanket view of *all* supposedly world-class urban spectacles and projects as financial losers, bread

and circuses, or as pathways to racial or ethnic one dimensionality is no substitute for serious thinking on the matter.

Still, it is undoubtedly true that boosters and promoters in Canada's major cities over the past 40 years have understood the phrase "world class" in a much different way from Northrop Frye. For them, a world-class city is a site for magnificent architecture, exclusive hotels, upmarket shopping experiences, major league sports teams, and internationally prominent events. In this view, being world class means securing a privileged place on national and international circuits of capital investment, advertising, consumption, and tourism. Proponents have argued that zoning and tax concessions or public subsidies to support a city's world-class aspirations are in the public interest. This is because they are said to create employment and attract private capital, as well as affluent immigrants, and tourists.

Since the 1980s, in particular, major Canadian cities have engaged in national and global competition for world-class status through strategic linkages between mega-projects, real estate development, place branding, and imagined world-class entertainments. The rising tide of investments in the pursuit of such things is supposed to lift everyone up, to float all boats, as the popular saying goes. A project-driven and event-based model of urban development is not only presented by proponents as something positive, it is also typically represented as a necessary, even inevitable, response to pressures and opportunities deriving from the mobile nature of capital in the globalized, highly mediated, consumption-oriented world of the twenty-first century.

Focusing on relationships between NHL hockey, urban boosterism, and the changing politics of city building in Edmonton, this remarkable book by Jay Scherer, David Mills, and Linda Sloan McCulloch analyzes and dissects the promotional spin that so often accompanies this vision of urban development. Faced with what the authors refer to as the "haunting spectre" of losing the Oilers to another city, an influential power bloc of civic boosters and local politicians, along with Edmonton's billionaire team owner Daryl Katz, responded with an elaborate public-private partnership involving a new state-of-the-art

arena and surrounding entertainment and residential area known as “Ice District.” Direct financing costs for the arena were well over \$600 million, requiring an innovative financing scheme, arguably with negative tax implications for the city, and draining resources from other infrastructure needs and social services. There has yet to be a thorough and full accounting of costs from the city, while critics have suggested that the arena development represents a public gift to the Katz Group in excess of a billion dollars.

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In recent years, there have been several books about how owners of major league sports franchises have used the threat of leaving cities to leverage concessions from governments for new, publicly-funded stadiums and arenas. The best of these books situate their consideration of contemporary urban politics and stadium funding in an integrated analysis of the rapidly changing nature of the professional sport industry and pressures on city governments arising from the growing importance of the tourist, media, and entertainment industries. As these industries have become more central to North American urban economies, city governments have felt increased pressure to accede to demands for public subsidies made by team owners looking to find new revenue streams.

Through a combination of interviews and exhaustive documentary research, Scherer, Mills, and McCulloch discuss brilliantly how all of this has played out in Edmonton. But, for me, their analysis of contemporary events is made even more convincing by an extensive historical discussion of the long and shifting relationships between hockey in Edmonton and boosterism as a “corporate–civic project.” The narrative reveals sometimes-subtle changes in the control and ownership of hockey and the differing ways hockey has been connected to shifting coalitions of Edmonton’s business and professional elites. It is all here: from the earliest teams and founding of the Edmonton Exhibition Association, through to Western Hockey League teams in the 1920s, and the WHL and NHL Oilers teams in the 1970s and 1980s, including changes in arenas, team ownerships, and various debates about arena funding. The authors provide a nuanced longitudinal case study of the politics, history, and political economy of a major sports team, sports arenas, and their combined role in the

development of a North American city. They have written a book that will not only be of interest to sport scholars, hockey fans, and followers of Edmonton's civic politics, but also to anyone struggling to understand both the rhetoric and reality of what it means for cities to be world class in the twenty-first century.

RICHARD GRUNEAU

Co-author of Hockey Night in Canada

Bowen Island, 2018

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FOREWORD

PREFACE

DR. JAY SCHERER is a Professor of Sociology of Sport in the Faculty of Kinesiology, Sport, and Recreation at the University of Alberta. He has researched and published for two decades on political debates over the use of public funds to build urban infrastructure for major league sports franchises. Jay first became involved in the arena debate in Edmonton as a member of Voices For Democracy, a grassroots group organized to oppose the use of public funds for the development of Rogers Place. He grew up in Winnipeg and was a fan of the Winnipeg Jets until the franchise relocated to Phoenix in the mid-1990s. He has played recreational hockey for most of his life.

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Linda McCulloch's (then Linda Sloan) involvement began during her time on city council in Edmonton from 2004 to 2013 (after acting as a Member of Alberta's Legislative Assembly from 1997 to 2001). She was active in Edmonton Minor Hockey, including elected terms on the Edmonton Girls Hockey Association and volunteering with the Knights of Columbus, Whitemud West, and Canadian Athletic Hockey Clubs. During her nine years on council, two public issues captured and divided the electorate: closing the Edmonton City Centre Airport and building the downtown arena. She voted against both the closure of the airport and the arena financing agreement. Many in Edmonton characterized her opposition to the arena financing agreement as opposition to the Oilers—a standard approach to

critics in these types of debates. Linda really voted against the arena financing agreement because she thought that most of the benefits of the deal fell to the Katz Group, while the city of Edmonton took on most of the risks and costs. She had also become increasingly skeptical of the secretive and restrictive political process associated with the arena debate, which was conducted very differently from other deliberations over the expenditure of public money. Jay and Linda met after the culmination of the arena debate in 2013, after Linda had announced that she was retiring from public life and would not seek re-election in the upcoming municipal election. They agreed that a fuller account of the arena debate—especially an account of the negotiations and discussions behind closed doors—needed to be published.

Dr. David Mills, a recently retired professor who taught Canadian history and sports history in the Department of History and Classics at the University of Alberta for over 30 years, and who has written on the business of hockey in Edmonton, especially during the Pocklington era, then joined the team. Although David grew up as a Toronto Maple Leafs fan, he transferred his allegiance to the Oilers during the club's glory years of the 1980s after he moved to Edmonton. Now he is a long-suffering Edmonton Oilers season ticket holder. He was a goalie for old-timer's hockey teams in and around Edmonton for almost 35 years, until injuries ended a less-than-stellar career.

This book does not provide the definitive account of the arena debate. Certainly, our own biases and assumptions have shaped and coloured our analysis. We simply have a different vision for the city and for the use of scarce public resources than the influential growth coalition of boosters who supported the \$613.7-million, publicly-financed arena development for the Edmonton Oilers. However, we have tried to provide a balanced and richly detailed account of the debate, its political processes, and its historical antecedents. In so doing, we have accessed numerous historical reports and relied heavily on the arena-related documents and materials that Linda retained from her time on city council, including her own detailed personal notes on the political proceedings and, in particular, the

in-camera meetings, of which there are limited records and no audio recordings. She kept her copies of council reports and her personal notes from the arena debate precisely because of her concern with how the political process was being manipulated. Frequently, when council's agenda indicated that councillors would receive an update on the arena debate from the city manager, what they were presented with behind closed doors was much different; often, motions were made to provide direction to administration in the next steps of negotiations with the Katz Group without any public discussion. This strategy limited transparency and democratic accountability for a volatile political issue. Over time, Linda became increasingly concerned that city administration had abandoned its traditional remit to provide disinterested and objective analyses about arena-related issues and had simply become a broker, mediator, and booster of the deal.

That Linda retained a significant collection of files and well-kept notes was fortunate, as we continually encountered obstacles in our attempts to obtain public information about the arena debate from the city of Edmonton through Freedom of Information requests. We experienced some lengthy delays that went well beyond the stated 30-day time limit of the *Freedom of Information and Protection of Privacy Act* (FOIP) for public bodies to provide requested information. We were routinely quoted exorbitant fee estimates to access public information, sometimes even tens of thousands of dollars. Most troubling, though, was the sheer number of times that we were denied access to public information. Often, municipal officials had redacted public reports, documents, and communication to such an extent that they were virtually incomprehensible. On another occasion, we were informed by the Office of the City Clerk that crucial information—including foundational arena-related reports—could not be located. Then, in response to a request for all communication between Mayor Mandel and Daryl Katz, we were informed by the city clerk's office that not a single email message existed—a claim that the Office of the Information and Privacy Commissioner of Alberta (OIPC) disputed. Even when municipal officials were able to retrieve information, municipal bureaucrats withheld numerous

documents and communications. In one instance, the city clerk's office refused to release a single document from over 1,000 pages of written communications between municipal officials and the NHL, including the NHL commissioner, Gary Bettman.

We eventually obtained some of the information we asked for, but only after requesting a number of reviews by the OIPC. These appeals take time, and public bodies can effectively delay the release of information for years, if they want to. For critics, the institutional obstacles that restrict access to public information across Alberta underscore the need for reform to the FOIP Act (1994), including the establishment of protocols to ensure minimal fees and shortened timelines, as well as meaningful penalties to eliminate political interference.¹

We would like to extend our sincere gratitude to Councillor Mike Nickel, who made enquiries on our behalf and who personally called for a probe into the secrecy at city hall and the misapplication of FOIP rules and policies by municipal officials. In response to these concerns, and others raised by citizens, including Elise Stolte, a journalist at the *Edmonton Journal*, the city of Edmonton has introduced new rules and regulations to improve transparency and to ensure that documents and reports are not kept secret in perpetuity. Still, as we discovered in later attempts to access information, problems remain, as the city of Edmonton, the Katz Group, and the Edmonton Economic Development Corporation have continued to restrict access to documents and information pertaining to the city-owned facility in question by claiming that releasing this information would prove harmful to the business interests of the Katz Group (Section 16 of the FOIP Act). All of these issues, of course, point to the substantive democratic limitations that inevitably accompany these types of public-private partnerships and restrict the ability of citizens to be involved in municipal affairs.

On the other hand, many people involved in the arena debate were extraordinarily generous with their time and made themselves available to be interviewed for the book. We would like to thank Bryan Anderson, Jerry Bouma, Tony Caterina, Rick Daviss, Neil deMause, Kerry Diotte, Simon Farbrother, Max Fawcett, Ed Gibbons,

Andy Grabia, Doug Griffiths, Fish Griwkowsky, Scott Hennig, Brad Humphreys, Lorne Humphreys, Andy Huntley, Gordon Kent, Ken Knowles, Patrick LaForge, Gary Lamphier, Karen Leibovici, John MacKinnon, Wayne MacDonald, Stephen Mandel, Al Maurer, Scott McKeen, Cec Purves, Jan Reimer, Paula Simons, David Staples, Mimi Williams, and Andrew Zimbalist.

The following people were contacted, but either did not respond or did not wish to be interviewed: Richard Andersen, who signed a non-disclosure agreement upon his departure from Northlands, Margaret Bateman, Bob Black (Katz Group), Don Iveson, Dr. Dan Mason, Naheed Nenshi, Cal Nichols, Lorna Rosen, and Tim Shipton (Katz Group).

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Jay would like to extend his gratitude to his friends at Boyle Street Community Services.

Finally, we would like to thank our respective families—Heather, Emma, and Christopher Scherer; Janice Mills; and Bill McCulloch—who have gone above and beyond in supporting our work on this project.

IMPORTANT TERMS

The Arena Financing Agreement

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The \$613.7-million financing agreement between the city of Edmonton and the Katz Group (Edmonton Arena Corporation, or EAC) is complex and expansive. It includes a range of financing mechanisms to cover the costs of the arena development and related infrastructure for the next 35 years, which are recorded in Table 1.¹ Other significant expenses—including the city of Edmonton’s interest and other borrowing costs—are not included in the table.

TABLE 1. Breakdown of Financing for Arena Development Project (Figures in Millions)

| Element | Estimated Cost | CRL (Community Revitalization Levy) | General City Funding | EAC Lease Funding | EAC Cash | Ticket Surcharge | Other |
|--------------------------|----------------|-------------------------------------|----------------------|-------------------|----------|------------------|--------|
| Rogers Place (the arena) | \$483.5 | \$145.0 | \$81.0 | \$112.8 | \$19.7 | \$125.0 | |
| Winter Garden | \$56.8 | \$25.0 | \$0.1 | \$25.0 | \$6.7 | | |
| Pedestrian Corridor | \$15.0 | \$15.0 | | | | | |
| LRT Connection | \$7.0 | \$7.0 | | | | | |
| Community Downtown Arena | \$24.9 | \$14.0 | \$0.1 | | \$0.3 | | \$10.5 |
| Arena Land | \$26.5 | \$25.0 | \$0.5 | | \$1.0 | | |
| TOTAL | \$613.7 | \$231.0 | \$81.7 | \$137.8 | \$27.7 | \$125.0 | \$10.5 |

Source: Adapted from City of Edmonton, “The Agreement,” 2019, https://www.edmonton.ca/attractions_events/rogers_place/the-agreement.aspx.

The EAC Cash funding shown in Table 1 came from the EAC and ICE Joint Venture—the Katz Group holds an ownership interest in both. The total \$10.5 million shown in the final column (“Other”), includes funds provided by the federal government (\$7 million), notably through the Federal Gas Tax, and MacEwan University (\$3.5 million).

Community Revitalization Levy

A Community Revitalization Levy (CRL) is a funding mechanism created by the Alberta government in 2005 to help municipalities revitalize underdeveloped areas within their boundaries. It grants a municipality the power to freeze the assessed tax base for a defined geographic area (the CRL boundary) at a specific point in time for up to 20 years. After this baseline assessment, all of the *new* tax revenue within the CRL boundary—the lift in revenue that occurs from new development and from the increased value of real estate—is redirected to support the development and servicing of amenities and infrastructure within the boundary. This includes the city’s portion of property tax, which is diverted away from general revenues, as well as the education property tax collected on behalf of the province. The Capital City Downtown CRL was approved by the government of Alberta in 2014, and activated by the city of Edmonton in December 2014 after setting a baseline for assessed property values. The Capital City Downtown CRL was originally intended to contribute \$231 million to the cost of Rogers Place. It expires in 2034.

General City Funding

Annual principal and interest payments on \$81.7 million of self-supporting, tax-guaranteed debt was intended to be funded over 20 years with a combination of downtown parking revenue, property taxes from the downtown arena parkade, and a reallocation of the Northlands arena subsidy.

Ticket Surcharge

A ticket surcharge has been one of the central mechanisms for raising money for renovations at the Northlands Coliseum and for the construction of Rogers Place. It is a tax added to the price of tickets for events in the facilities and is paid for by the users—the spectators attending hockey games or concerts. A similar tax was introduced by the city in the mid-1990s, when the former owner of the Oilers, Peter Pocklington, demanded another source of revenue; this tax also provided revenue to Northlands from non-hockey events.

The ticket surcharge is now to be collected by the Katz Group and set annually, subject to approval by the city manager. When Rogers Place opened in 2016, the initial surcharge was set at 9.5 percent. Every three months, the Katz Group is required to remit the proceeds from the ticket surcharge to the city to cover the principal and interest payments for the \$125 million that was borrowed over a 35-year term, plus provide a \$1.5 million annual contribution to the city to create a fund for ongoing major capital expenditures. If the ticket surcharge exceeds the amount required to cover these costs for a three-month period, the Katz Group is entitled to retain this surplus. This surplus, therefore, will not be used to pay down the city's loan faster. Nor will it carry forward to future years when the market may not accept a ticket tax on a 20 to 35-year-old arena.

A ticket surcharge on admissions at the Coliseum has also been levied by the city to the same rate as the ticket surcharge on non-hockey events at Rogers Place, to a maximum of 7 percent. The proceeds of this surcharge go to the city. At the time of writing, the Coliseum remains unused, sits empty, and faces future demolition.

1

INTRODUCTION

IN SEPTEMBER 2016, amidst much fanfare and celebration, Rogers Place—Edmonton’s \$613.7-million,¹ publicly-financed arena and the new home of the National Hockey League’s (NHL) Oilers—opened for business. To mark the occasion, the city’s most influential political, business, and cultural leaders, plus the media, were in attendance to show their support for the facility and for the public–private partnership between the city and the Katz Group in the civic–corporate project of transforming Edmonton in the new millennium. In a fitting and symbolic gesture, Daryl Katz, the Oilers’ billionaire owner, and Mayor Don Iveson, once a vocal opponent of the arena’s public financing agreement, were photographed together on the red carpet at the reception. In their celebratory remarks, both Katz and Iveson heralded the arena and its surrounding entertainment area, known as Ice District, for revitalizing the downtown and announcing Edmonton’s arrival on the world stage.

Certainly, for its main proponents, as well as its main beneficiaries, the new arena development represented a success story for both public and private interests. The Edmonton Oilers would be financially sustainable for decades to come and committed to a 35-year location agreement, putting to rest longstanding concerns about the viability of NHL hockey in a peripheral Western Canadian city. For boosters and hockey fans alike, the prospect of losing the



Edmonton Oilers owner Daryl Katz (right) and Edmonton Mayor Don Iveson celebrate during the opening ceremony at Rogers Place Arena, the new home of the Edmonton Oilers, on September 8, 2016. [Canadian Press/Jason Franson]

club remained a haunting spectre, especially after the turbulent years of the 1990s, when the team's former owner, Peter Pocklington, threatened to move the Oilers first to Hamilton, then to Minneapolis, then to Oklahoma City, and finally to Houston, unless he was granted more and more concessions and additional public subsidies at the team's former home, the Northlands Coliseum—a facility that had opened in 1974 to similar fanfare. The success of Pocklington's threats was not lost on the current owner of the Oilers, who, in September 2012, had flirted with the idea of moving his team to Seattle if he didn't get the deal he wanted.

Rogers Place was built on time and on budget, and, according to its supporters, has since attracted more than \$2 billion in investment to Edmonton's central core, where large blocks of undeveloped land had been assembled by the Katz Group and other powerful property developers. Significant caveats must accompany the claims about “new” investment downtown; for one thing, as investment, spending,

and jobs have been relocated and centralized in a small part of the downtown, other areas and neighbourhoods—especially around the abandoned Coliseum—have declined. It is also necessary to acknowledge that Edmonton's central core has been enjoying a period of substantive growth and redevelopment since the turn of the new millennium, and that this pattern was set to continue, with or without a new arena.² Still, Rogers Place has undeniably played a major, though not primary, role in the transformation of Edmonton's downtown and in the expansion of leisure and residential choices—and income opportunities—for the city's business and professional elites, for whom living in a “world-class city” matters. And, as both Katz and Iveson suggested, the new arena and entertainment district has created, especially for young people, a sense of vibrancy, atmosphere, and pride in the city that has, for local boosters, sometimes been in short supply, especially in light of the range of unflattering caricatures applied to Edmonton, like “Canada's boiler room” or “Deadmonton.”

However, even in the midst of the celebration, and before the Oilers hit the ice for their first regular-season game at Rogers Place, the arena also represented controversy and division. Hundreds of millions of dollars of scarce public resources had been spent to support the business interests of a billionaire at the expense of other infrastructure needs and social services. Not every Edmontonian can participate equally in this world-class development. Just before the new arena opened, for example, some downtown residents appeared at city hall to protest the absence of a meaningful community benefits agreement (CBA) and the far-reaching effects of the development on people, including the city centre's homeless community—most of whom are Indigenous—as well as on many pre-existing businesses that were struggling with increased property tax payments and parking issues.³ The protestors painted a radically different picture of life in Edmonton's gentrifying downtown core. They spoke, too, about the social issues that have received less attention and considerably fewer public resources from city hall than its economic growth agenda, and they questioned the oft-cited, but rarely demonstrated, claim that subsidizing professional sports teams